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Texas Food and Drug Laws

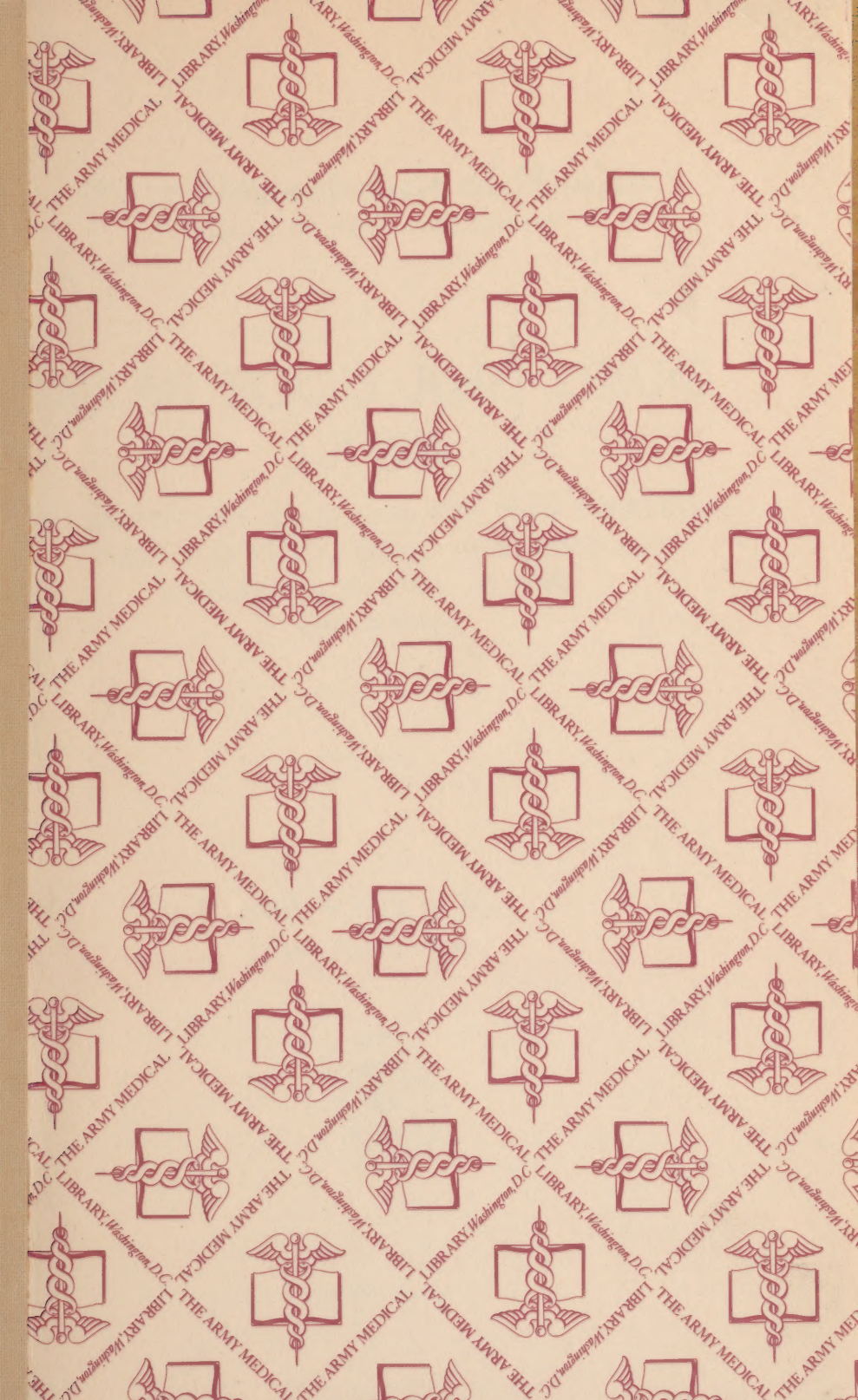
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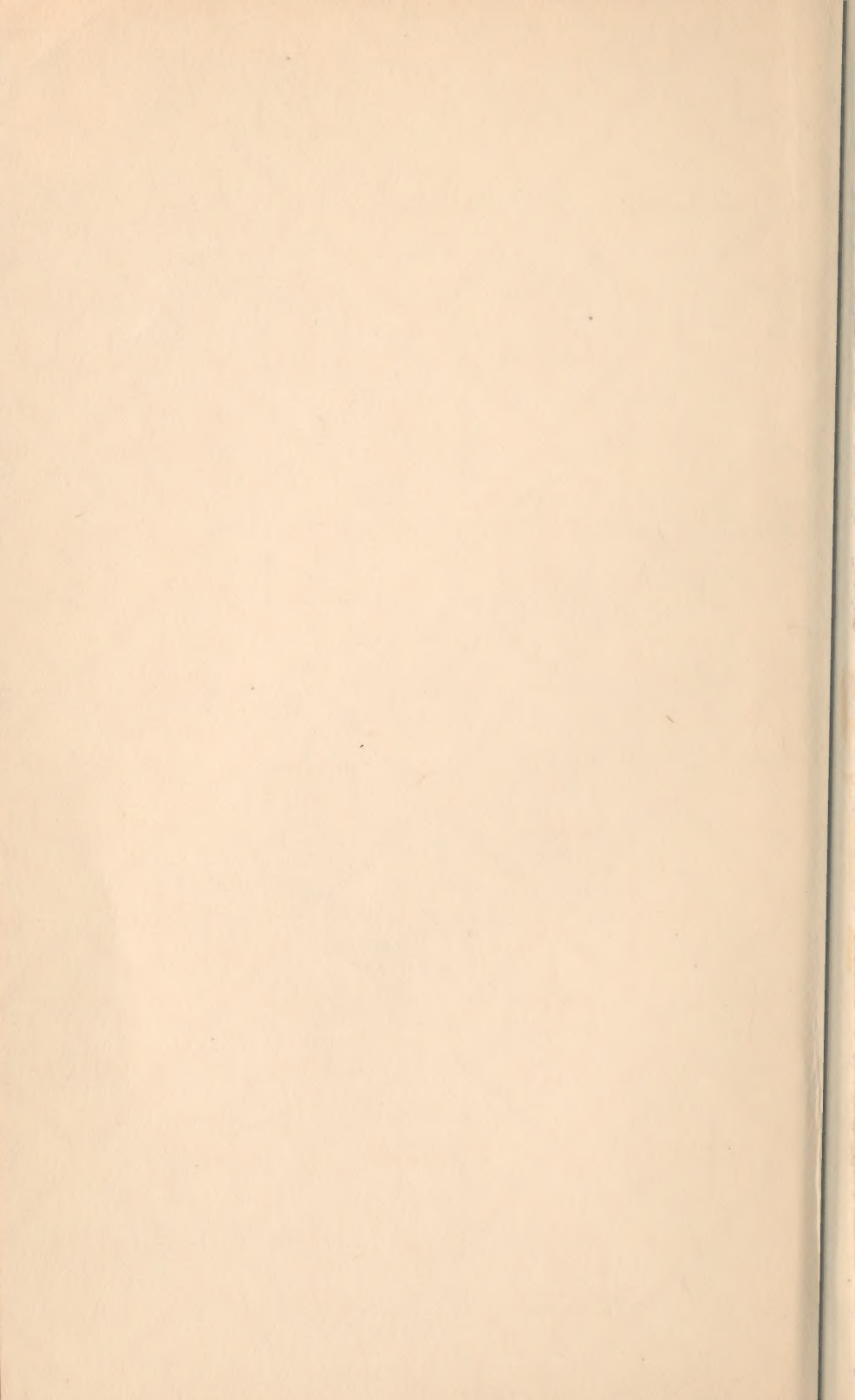
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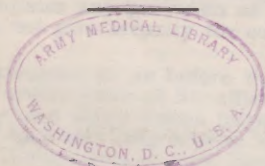


State Department of Health

BUREAU OF FOOD AND DRUGS

TEXAS FOOD AND DRUG LAWS

DEFINITIONS AND STANDARDS FOR FOOD PRODUCTS,
RULES AND REGULATIONS, WITH GENERAL
INFORMATION BEARING ON FOOD
AND DRUGS



GEO. W. COX, M. D.,
State Health Officer



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Austin, Texas

State Department of Health
BUREAU OF FOOD AND DRUGS

TEXAS FOOD AND DRUG
LAWS

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STATE DEPARTMENT OF HEALTH

CIVIL STATUTES, VOLUME 1

CHAPTER THREE

Art. 4465A. Article 4465, Revised Civil Statutes of 1925, is hereby repealed, and the powers and duties vested by Chapter 3 of Title 71, R. S. 1925, in the Director of the Food and Drug Division of the State Department of Health are hereby vested in the State Health Officer, to be hereafter exercised by him or by a division director within his Department and subject to his control under the terms of this Act.

Art. 4466. **Duties.**—The director shall:

1. Keep his office and laboratory in Austin.

2. Make, publish and enforce rules consistent with the law, and adopt standards for foods, food products, beverages, drugs, etc., and the modern methods of analysis authorized as official by the Federal Department of Agriculture.

3. Inquire into the quality of the foods and drug products manufactured or sold or exposed for sale, or offered for sale in this State, and for such purposes he may enter any creamery, factory, store, salesroom, drug store or laboratory or place where he has reason to believe foods or drugs are made, prepared, sold or offered for sale or exchange, and open any cask, tub, jar, bottle or package containing or supposed to contain any article of food or drug and examine or cause to be examined the contents thereof, and he shall take samples there from and make analysis thereof. When making such inspection he shall seal and mark such sample and tender to the vendor or person having custody of same the value thereof, and a written statement stating the reason for taking such sample.

4. Make complaint and institute proceedings against any manufacturer or person who violates any provision of the food and drug laws of this State. He need not give security for costs in proceedings so instituted.

5. Report to the Governor on or before the 31st day of August of each year, showing the entire work of his office for the preceding year, the number of factories and other places inspected and by whom, the number of specimens of food and drug articles analyzed, and the number of complaints entered for violations of such laws, the number of convictions had, and the amount of fines imposed therefor, together with recommendations relative to the laws in force. Such report shall be published at the expense of the State.

Art. 4469. **Registration.**—All manufacturers of foods and drugs doing business in the State of Texas and all such persons, firms, corporations, who import or bring into the State of Texas, for sale or distribution, from any place not a part or possession of the United States any article of food, drug or chemical, shall annually register with the Director and pay him a fee of One Dollar (\$1.00) for such registration on or before the 1st day of September. Where a person, firm or corporation operates more than one establishment, then a separate registration and fee shall be required for each establishment operated.

The term "manufacture" as used in this Article shall mean the process of combining or purifying articles of food or drugs and packaging same for sale to the consumer, either by wholesale or retail, provided however, that a pharmacist, registered under the laws of this State, shall not be deemed a manufacturer, when he fills a regular licensed physician's prescription, or when such pharmacist compounds or mixes drugs or medicine in his professional capacity. Any person, firm or corporation who represent themselves as responsible for the purity and the proper branding of any article of food or drug, by placing or having placed, their name or names and address upon the label of any food or drug,

shall be deemed a manufacturer and included within the meaning of this Article. Any person, firm or corporation, who imports into this State from any place not within the continental limits of the United States, any article of food or drug, shall be importers within the meaning of this Article.

This Article shall be cumulative of all other laws on the subject matter, but where any other law is inconsistent with the provisions hereof, this Article shall control.

Art. 121. [P. C. 130, 112, 110.] **Penalty.**—Pursuing Occupation Without License. Whoever shall pursue or follow any occupation, calling or profession, or do any act taxed by law without first obtaining a license therefor, shall be fined not less than the amount of the taxes due and not more than double that sum.

Art. 4470. **Condemnation.**—Any article of food or drug that is adulterated or misbranded within the meaning of this law shall be liable to be condemned, confiscated and forfeited by a suit to be brought in the district court of the county where said article of food or drug is located, in the name of the State of Texas as plaintiff, and in the name of the owner thereof as defendant, if said owner be known; if he be unknown, then in the name of said article of food or drug, and service shall be obtained as in civil cases. Upon a trial of said case, if it be determined by the court or jury trying said case that said article of food or drug is misbranded or adulterated, or of a poisonous or deleterious character within the meaning of this law, the same shall be disposed of by destruction or sale in accordance with the judgment of the court, and the proceeds thereof, if sold, less the legal cost and charges, shall be paid into the State Treasury. District and county attorneys shall file forfeiture and condemnation suits under this law at the request of the Director. Said attorney shall be entitled to a fee of \$15.00, to be paid out of the proceeds arising from the sale of the property condemned, said fee to be in addition to all other fees allowed by law, and shall be over and above the fees allowed under the General Fee Act of this State. Upon payment of the costs of such forfeiture or condemnation proceeding by the owner of the property proceeded against and by his executing and delivering a good and sufficient bond in double the value of the goods proceeded against, payable to the State of Texas, conditioned that said articles shall not be sold or otherwise disposed of contrary to the provisions of this law, the court may by order direct that said goods be delivered to the owner thereof. In all proceedings begun under this article, either party may demand trial by jury, of any issue of fact joined in any such case.

CRIMINAL STATUTES, TITLE 12

CHAPTER TWO

Art. 706. **Adulterated or misbranded food or drug.**—No person, firm or corporation, shall within this State manufacture for sale, have in his possession with the intent to sell, offer or expose for sale or sell or exchange any article of food or drug which is adulterated or misbranded within the meaning of this chapter. The term "food" shall include all articles used by man for food, drink, flavoring, confectionery or condiment, whether simple, mixed or compounded. The term "drug" shall include all medicines and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary, and any substance or mixture of substance intended to be used for the cure, mitigation or prevention of disease of either man or animal.

Art. 707. **"Adulterated"**—For the purposes of this chapter an article shall be deemed to be adulterated:

(a) In the case of drugs:

(1) if, when sold under or by a name, recognized in the eighth decennial revision of the United States Pharmacopoeia or in such United States Pharmacopoeia as was official at the time of labeling it, or in the

National Formulary, it differs from the standard strength, quality or purity laid down therein;

(2) if, when sold under or by a name not recognized in the eighth decennial revision of the United States Pharmacopoeia, but which is found in some other pharmacopoeia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work;

(3) if its strength, quality or purity falls below the processed standards under which it was sold.

(b) In the case of confectionery; if it contains terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

(c) In case of food:

(1) if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength;

(2) if any substance has been substituted wholly or in part for the article;

(3) if any valuable constituent of the article has been wholly or in part abstracted, or if the product be below that standard of quality, quantity, strength or purity represented to the purchaser or consumer;

(4) if it be mixed, colored or powdered, coated or stained in a manner whereby damage or inferiority is concealed;

(5) if it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health, provided, that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water or otherwise, and directions for the removal of said preservatives shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption;

(6) if it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"Filthy" defined.—The term "filthy" shall be deemed to apply to food not securely protected from flies, dust, dirt, and as far as may be necessary by all reasonable means, from all foreign or injurious contaminations.

Art. 708. "Misbranded."—The term "misbranded," as used herein, shall apply to all drugs or articles of food or articles which enter into the consumption of food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular.

Any article shall also be deemed to be misbranded:

(a) In the case of drugs:

(1) if it be an imitation of or offered for sale under the name of another article;

(2) if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, phenacetin, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances contained therein.

(b) In the case of food:

(1) if it be an imitation of or offered for sale under the distinctive name of another article;

(2) if it be labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fails to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, phenacetin, chloroform, canabis indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substances contained therein;

(2) if in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package;

(4) if the package containing it or its labels bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular, provided that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated or misbranded in the following cases: First, in the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced; second, in the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations or blends. The term "blend," as used herein shall be held to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only. Nothing in this law shall be construed as requiring proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas except in so far as the provisions of this law require to secure freedom from adulteration or misbranding.

Art. 709. Preservative Added.—No person shall manufacture, sell, offer or expose for sale or exchange any article of food to which has been added formaldehyde, boric acid or borates, benzoic acid or benzoate, sulphurous acids or sulphites, salicylic acid or salicylates, abradol, beta naphol, fluorine compounds, dulcin, glucin, cocaine, sulphuric acid or other mineral acid except diluted phosphoric acid, any preparation of lead or copper or other ingredients injurious to health; provided, however, that organic salicylates used for flavoring, such as methyl salicylate, oil of betula lenta or oil of gaultheria procumbens shall not be prohibited; nothing herein shall be construed as prohibiting the sale of foods or drinks preserved with one-tenth of one per cent of benzoate of soda, or the equivalent benzoic acid, when a statement of such fact is plainly indicated on the label.

The State Board of Health is hereby authorized, for the protection of the public health, to promulgate regulations limiting the quantity of oxides of sulphur and other bleaching, clarifying or refining agents, that may be used for bleaching, clarifying or refining fruits, vegetables and other foods. [As amended by Senate Bill 230—45th Legislature.]

Art. 710. Baking powder compound to be labeled.—Whoever manufactures for sale within this State, or offers or exposes for sale or exchange or sells any baking powder or compound intended for use as a baking powder under any name or title whatsoever shall securely affix, or cause to be securely affixed to the outside of every box, can or package containing such baking powder or like mixture or compound a label distinctly printed in plain capital letters in the English language, containing the name and residence of the manufacturer or dealer, and the ingredients of the baking powder. Baking powder containing less than 10 per cent of the available carbon dioxide shall be deemed to be adulterated.

Art. 711. Self-rising flour.—Whoever manufactures for sale within this State, or offers or exposes for sale or exchanges, or sells any Self-

rising Flour, or compound intended for use as a Self-rising Flour, under any name or title whatsoever shall securely affix or cause to be securely affixed to the outside of every box, can, sack or package containing such Self-rising Flour or like mixture or compound, a label distinctly printed in plain capital letters in the English language containing the name and domicile of the manufacturers or dealer, and the percentage by weight of each of the chemical leavening ingredients of the contents thereof. Such Self-rising Flour or any compound so termed or styled, when sold for use shall produce not less than one-half of one per cent by weight of available carbon dioxide gas, and there shall not be contained in such Self-rising Flour more than three and one-half per cent of chemical leavening ingredients, otherwise such flour or compound shall be deemed adulterated.

Self-rising Flour is defined to be a combination of flour, salt and chemical leavening ingredients. The flour shall be of the grade of "straight" or better, and the chemical leavening ingredients shall be, Bicarbonate of Soda, and either Calcium Acid Phosphate, Sodium Aluminium Sulphate, Cream of Tartar, Tartaric Acid or combinations of the same.

Art. 712. Milk.—No person either by himself or agent shall sell or expose for sale or exchange any unwholesome, watered, adulterated, or impure milk, or swill milk or colostrum, or milk from cows kept upon garbage, swill, or any other substance in a state of putrefaction or other deleterious substances, or from sick or diseased cows, or from cows kept in connection with any family in which there are infectious disease.

Art. 713. Skim milk.—Skim milk may be sold if on the container from which such milk is sold, the words "skim milk" are distinctly painted in letters not less than one inch in length.

Art. 714. Dealer not to be prosecuted, when.—No dealer shall be prosecuted under this chapter when he can establish a guaranty signed by the wholesaler, manufacturer, or other party residing in the United States from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party making the sale of such article to such dealer, and in such case said party shall be amenable to the fines and other penalties which would attach in due course to the dealer under the provisions of this chapter.

Art. 715. Certificates of purity.—The State Health Department or any employee thereof shall not furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold to or by them to be used as food or drug or in the preparation of food or drugs.

Art. 716. Obstruction of officers.—No person shall willfully hinder or obstruct the director of the food and drug division of the State Board of Health, or his inspector or other person duly authorized by him in the exercise of the powers conferred upon him by the laws of this State.

Art. 717. Penalty for violating pure food laws.—Whoever shall do any act or thing prohibited, or neglect or refuse to do any act or thing enjoined by the preceding articles of this chapter, or in any way violate any provision thereof, shall be fined not less than twenty-five nor more than two hundred dollars. It shall not be necessary for the indictment to allege or for the State to prove that the act or omission was knowingly done or omitted.

Art. 718. Mixed or adulterated cereals.—Whoever shall knowingly sell or exchange or offer for sale or exchange, whether in single packages or lots, any product composed of mixed cereals of any kind, or any cereal adulterated in any manner, unless the word "adulterated" is plainly marked, printed or stenciled diagonally across the other marks or brands, if any, on the hogshead, box, bale, cask, sack or package containing the same, or in case there are no marks thereon, then across such

container in a conspicuous place in large legible letters and figures not less than two inches in size, shall be fined not less than twenty-five nor more than one thousand dollars.

Art. 719. Bakeries and bakers.—Whoever violates any provision of this article shall be fined not less than twenty-five nor more than two hundred dollars.

Rule 1. Bakery building.—Any building occupied or used as a bakery wherein is carried on the business of the production, preparation, storage or display of bread, cakes, pies, and other bakery products intended for sale for human consumption, shall be clean, properly lighted, drained and ventilated. Every such bakery shall be provided with adequate plumbing and drainage facilities including suitable wash sinks, toilets and water closets. All toilets and water closets shall be separated and apart from the rooms in which the bakery products are produced or handled. All wash sinks, toilets and water closets shall be kept in a clean and sanitary condition, and shall be in well lighted and ventilated rooms. The floors, walls and ceilings of the rooms in which the dough is mixed and handled, or the pastry prepared for baking, or in which the bakery products or ingredients of such products are otherwise handled or stored, shall be kept and maintained in a clean, wholesome and sanitary condition. All openings into such rooms, including windows and doors, shall be kept properly screened or otherwise protected to exclude flies. No working rooms shall be used for purposes other than those directly connected with the preparing, baking, storage and handling of food, and shall not be used as washing, sleeping, or living rooms, and shall, at all times, be separated and closed from the living and sleeping rooms. Rooms shall be provided for the changing and hanging of wearing apparel apart and separate from such work room and such rooms as to be provided for the changing and hanging of wearing apparel shall be kept clean at all times.

Rule 2. Sanitation.—No employee or other person shall sit or lie upon any table, bench, trough or shelf which is intended for the dough or bakery products. No animals or fowls shall be kept or allowed in any bakery or other place where bread or other bakery products are produced or stored. Before beginning the work of preparing, mixing and handling the ingredients used in baking, every person engaged in the preparation or handling of bakery products shall wash his hands and arms thoroughly, and for this purpose sufficient wash basins and soap and clean towels shall be provided. No employee or other person shall use tobacco in any form in any room where bakery products are manufactured, wrapped or prepared for sale. No master baker, person or any employee who is affected with any contagious or infectious disease shall be permitted to work in any bakery or be permitted to handle any product therein, or delivered therefrom.

Rule 3. Clean condition.—The wagons, boxes, baskets and other receptacles in which bread, cake, pies, or any other bakery products are transported, shall be kept in a clean condition at all times and free from dust, flies and other contamination. All show cases, shelves or other places where bakery products are sold, shall be kept well covered, properly ventilated, well protected from dust and flies, and shall be kept in a clean and wholesome condition at all times. Boxes or other receptacles for the storing or receiving of bread and other bakery products, before and after the retail stores and selling places are open, shall be constructed and placed so as to be free from the contamination of streets, alleys and sidewalks, and shall be raised at least ten inches from the sidewalk or street, and shall be kept clean and sanitary, and no bread shall be placed in any box along with any other articles of food than bakery products. All such boxes shall be provided with private locks and shall be locked at all times except when open to receive or remove bread or other bakery products and when being cleaned.

Rule 4. Ingredients must be good.—All material used in the production or preparation of bakery products shall be stored, handled and kept

in a way to protect them from spoiling and contamination, and no material shall be used which is spoiled or contaminated, or which may render the bread or other bakery products unwholesome or unfit for food. The ingredients used in the production of bread and other bakery products and the sale or offering for sale of bread and other bakery products shall comply with the provisions of the laws against adulteration and misbranding. No ingredients shall be used which may render the bread or other bakery products injurious to health.

Rule 5. Weight of bread.—Bread to be sold by the loaf made by bakers engaged in the business of wholesaling and retailing bread, shall be sold based upon any of the following standards of weight and no other, namely: a loaf weighing one pound or 16 ounces, a loaf weighing 24 ounces or a pound and a half, and loaves weighing two pounds or 32 ounces, and loaves weighing three pounds, or some other multiple of one pound or 16 ounces. These shall be the standard of weight for bread to be sold by the loaf. Variations, or tolerance, shall not exceed one ounce per pound over or under the said standard within a period of 24 hours after baking.

TITLE 12, CHAPTER THREE

Art. 726. Sale of poisons.—The following poisons are included with the provisions of this article: arsenic, cyanide of potassium, hydrocyanic acid, cocaine, morphine, strychnia and all other poisonous vegetable alkaloids and their salts, oil of bitter almonds, containing hydrocyanic acid, opium and its preparations, except paregoric and such others as contain less than two grains of opium to the ounce, aconite, belladonna, cantharides, colchicum, conium, cotton root, digitalis, ergot, hellebore, henbane, phytolacca, strophanthus, oil of tansy, veratrum viride and other pharmaceutical preparations, arsenical solutions, carbolic acid, chloral hydrate, chloroform, corrosive sublimate, cresote, croton oil, mineral acids, oxalic acid, paris green, salts of lead, salts of zinc, white hellebore or any drug, chemical or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less.

Every person, firm or corporation who sells any poison shall place on each package and container of poison sold a label containing the word "poison" printed in red ink in a conspicuous place thereon; and keep a well-bound book which shall at all times be open to the inspection of any officer charged with the enforcement of law, in which shall be recorded at the time of the sale the name and quantity of the poison purchased and the purpose for which the same is to be used, and the name and address of the purchaser, if known to the seller, and if unknown the sale shall not be made until the purchaser is identified by one known to the seller. The seller shall also record the name and address of the identifier.

Any person who shall for himself or as the agent or employee of another person, firm or corporation, sell, give away or deliver any of said poisons to another without having complied with any provision of this article shall be fined not less than twenty-five nor more than one hundred dollars and be confined in jail for not less than twenty days nor more than six months.

TITLE 12, CHAPTER ONE

Art. 695. Nuisances.—Whoever shall carry on any trade, business or occupation injurious to the health of those who reside in the vicinity, or suffer any substance which has that effect to remain on premises in his possession, shall be fined not less than ten nor more than one hundred dollars. Each day is a separate offense.

Art. 696. Leaving dead animal.—Whoever shall leave the carcass of any animal, which died in the actual possession of such person, within five hundred yards of any private residence, or in any public road or highway, or in any street or alley of any town or city, or within fifty yards of such public road, highway, street or alley, shall be fined not less than five nor more than one hundred dollars.

Art. 696A. Dumping refuse near highway.—Sec. 1. That no municipal corporation, private corporation, partnership, joint stock association, syndicate, voluntary association or person shall use or maintain any dumping ground or dump any trash, refuse, debris or dead animals or permit the same to remain within or nearer than three hundred yards of any public highway of the State of Texas; that no person, firm or corporation, as above named, shall dump or deposit any rubbish, trash, refuse, debris or dead animals within or nearer than three hundred yards of any public highway whether said land belongs to such person, firm or corporation or not; provided, that the provisions of this Act shall not affect farmers in the handling of anything necessary in the growing, handling and care of livestock, or the erection, operation and maintenance of any and all such improvements that may be necessary in the handling of anything necessary in the growing, handling and care of livestock, or the erection, operation and maintenance of any and all such improvements that may be necessary in the handling, threshing and preparation of any and all agricultural products.

Sec. 2. Any violation of this Act by any person, firm or private corporation shall subject the offender to a fine of not less than ten dollars nor more than two hundred dollars, and each day of any such violation shall be a separate offense. In event of any threatened or probable violation of this Act by any public corporation, municipality, city, town or village, an injunction suit may be brought to prevent any such threatened or probable violation by any county or district attorney, or by any private individual affected or to be affected by any such threatened or probable violation. The enforcement of the remedy by injunction as herein provided shall not prevent the enforcement of the other penalties provided in this Act.

STERILIZATION OF DISHES

Art. 700-A. Sec. 1. Definitions of Terms.—As used in this Act, unless the context otherwise indicates:

(a) The term "Person" includes individual, partnership, corporation, and association.

(b) The term "Dish" includes all vessels of any shape or size, constructed of any material whatsoever, commonly used in eating or drinking.

(c) The term "Utensil" includes all vessels of any shape or size, constructed of any material, commonly used in preparing, holding, storing or transporting food, and all articles, of whatsoever construction, size or shape, used in serving or eating food.

(d) The term "Liquor Dispensary" includes all places where beers, ales, wines, or any other alcoholic beverages are stored, prepared, labeled, bottled, or served, or otherwise handled.

(e) The term "Receptacle" includes all vessels, trays, pots, pans, or other articles used for holding food.

(f) The term "Factory" includes all places in which is carried on the business of manufacturing or preparing food for human consumption.

Sec. 2. Sterilization of Dishes, Receptacles, or Utensils.—No person, firm, corporation, or association operating, managing, or conducting any hotel, cafe, restaurant, dining car, drug store, soda water fountain, meat market, bakery, or confectionery, liquor dispensary or any other establishment where food or drink of any kind is served or permitted to be served to the public, shall furnish to any person any dish, receptacle, or utensil used in eating, drinking, or conveying food if such dish, receptacle, or utensil has not been washed after each service until clean to the sight and touch in warm water containing soap or alkali cleanser. After cleaning, all glasses, dishes, silverware, and other receptacles and utensils shall be placed in wire cages and immersed in a still bath of clear water heated to a minimum temperature of 170° F. for at least three minutes, or two minutes at 180° F. Upon removal from the hot water, all glasses, dishes, silverware, and other receptacles and utensils shall be stored in such a manner as not to become contaminated. Provided

that the State Board of Health may approve other equally effective methods of treatment by steam or hot water that meet with the minimum requirements for the safety of the public health, as prescribed by the State Board of Health, that are not inconsistent with this Act. When paper receptacles, ice cream cones, or other single service utensils are used for serving food or drinks, they must be kept in a sanitary manner, protected from dust, flies, and other contamination.

Provided that the provisions of this Section shall not apply to such establishments as described herein that use electrically operated dishwashing and glasswashing machines, that accomplish these purposes mechanically.

Sec. 3. Broken Dishes, Receptacles, and Utensils.—(a) No dish, receptacle, or utensil shall be used or kept for use by any public eating or drinking establishment, or any factory, to hold or convey food intended for human consumption if said dish, receptacle, or utensil is chipped, cracked, or broken, or constructed in such a manner as to render its cleansing and/or sterilization impossible or doubtful.

Sec. 4. Clean Napkins.—(a) No napkin, or cloth, or other article that has been used, shall be furnished any person until said napkin, cloth, or other article shall have been laundered or sterilized, subsequent to any other use. (b) No napkins, straws, toothpicks, or any other articles shall be offered for the use of any person if said napkins, straws, toothpicks or other articles have not been securely protected from dust, dirt, insects, rodents, and, as far as may be necessary by all reasonable means, from all contamination.

Sec. 5. Dishes, Receptacles, and Utensils in Food Factories.—No person, firm, corporation, or association, operating, managing, or conducting any food factory or place where food is manufactured shall use or keep for use any dish, utensil, ladle, or other instrument, or any food-grinding machine or implement that has not been washed and sterilized as provided in the preceding article of this Act for dishes and other articles, before each use; or keep for use, or use any dish, utensil, or other article, for food that is cracked, broken, chipped, or otherwise damaged in a manner to render proper cleaning or sterilizing doubtful or impossible.

Sec. 6. Poisonous Cleaners and Polishes.—No dish, utensil, or instrument used in eating or drinking shall be offered for use to any person, or used in the manufacturing of food, if said dish, utensil or instrument has been cleaned or polished by means of any cyanide or other poisonous substance. This provision shall not apply to any dish, utensil, or instrument if said dish, utensil or instrument has been subsequently cleaned in a manner that all traces of said poisonous substance shall have been removed.

Sec. 7. Penalty.—Whoever shall do any act or thing prohibited, or neglect, or refuse to do any act or thing required by the preceding Articles of this Chapter, or in any way violate any provisions thereof, shall be fined any amount not less than five dollars (\$5) nor more than one hundred (\$100). H. B. No. 903—Passed by the 46th Legislature, 1939.

Art. 705. SANITARY EMPLOYEES.

Sec. 1. No person, firm, corporation, common carrier or association operating, managing, or conducting any hotel or any other public sleeping or eating place, or any place or vehicle where food or drink or containers therefor, of any kind, is manufactured, transferred, prepared, stored, packed, served, sold, or otherwise handled in this State, or any manufacturer or vendor of candies or manufactured sweets, shall work, employ, or keep in their employ, in, on, or about any said place or vehicle, or have delivered any article therefrom, any person infected with any transmissible condition or any infectious or contagious diseases, or work, or employ any person to work in, on, or about said place, or to deliver any article therefrom, who, at the time of his or her employment, failed to deliver to the employer or his agent, a certificate signed

by a legally licensed physician, residing in the county where said person is to be employed, or is employed, attesting the fact that the bearer had been actually and thoroughly examined by such physician within a week prior to the time of such employment, and that such examination disclosed the fact that such person to be employed was free from any transmissible condition of any infectious or contagious disease; or fail to institute and have made, at intervals of time not exceeding six months, actual and thorough examinations, essential to the findings of freedom from communicable and infectious diseases, of all such employees, by a legally licensed physician residing in the county where said person is employed, and secure in evidence thereof a certificate signed by such physician stating that such examinations had been made of such person, disclosing the fact that he or she was free from any transmissible condition of any communicable and infectious diseases.

Sec. 2. Provided further that it shall be unlawful for any manufacturer or vendor of candies or manufactured sweets to knowingly consign, sell, or furnish in any way candies or manufactured sweets to any person or persons for the purpose of resale at or from their private residences who does not display a complete valid health certificate issued for each member of the family or household, signed by a licensed physician authorized to practice medicine in this State, and who resides in the county where such person was examined, and who does not have a sanitary show case or place of display for the protection of such candies or manufactured sweets.

Sec. 3. All health certificates called for by this Act shall be displayed for public inspection at the place where the person named thereon is employed, and shall not be removed from such place during the continuance of such employment except by a public health officer, his duly appointed agent, or upon valid court order. All such certificates shall bear the employee's signature, the name of the physicians executing examinations and tests, and shall describe the color of eyes, and hair, height, weight, race, sex, age, and date of issuance, and shall be valid for six months only. Public health departments, and local lawmaking bodies, are hereby authorized to establish such further rules, regulations and ordinances as they may deem essential to the execution of the intentions of this Act; providing, however, that all conditions of this Act shall be requisite to all such regulations and ordinances, except, that the said authorities may adopt a plan for the registration of the physicians' certificates required by this Act and in lieu thereof issue a registration card to show that the person named thereon has complied with all of the provisions of this Act; providing further that the said registration card must bear the signature of the person named thereon and shall be displayed for public inspection at the place where such a person is employed.

Sec. 4. The failure of any person, firm, corporation, common carrier or association engaged in any of the businesses described in this Act, to display at the place where any of the operations of such businesses are being conducted, a valid health or registration certificate, as required by this Act, for each person employed in, on, or about such place, shall be prima facie evidence that the said person, firm, corporation, common carrier or association, in violation of requirements called for by this Act, failed to require the exhibition of the pre-employment health certificate, of such person and failed to institute and have made of such persons, actual and thorough examinations necessary to the findings of freedom from communicable diseases at intervals of time not exceeding six months.

5. Whoever violates any provision of this Act shall be fined in an amount not exceeding Two Hundred Dollars (\$200). Each act or omission in violation of any of the provisions of this Article, shall constitute a separate offense and shall be punishable as hereinabove prescribed.—As amended by H. B. 142—46th Legislature, 1939)

TITLE 14, CHAPTER SEVEN

Art. 1067. Transacting business under assumed name.—No person or persons shall carry on or conduct or transact business in this State under any assumed name or under any designation, name, style, corporate or otherwise, other than the real name or names of the individual or individuals conducting or transacting such business unless such person or persons shall file in the office of the county clerk of the county or counties in which such person or persons conduct, or transact or intend to conduct or transact such business, a certificate setting forth the name under which such business is or is to be conducted or transacted, and the true or real full name or names of the person or persons conducting or transacting the same, with the post-office address or the addresses of said person or persons. Said certificate shall be executed and duly acknowledged by the person or persons so conducting or intending to conduct said business in the manner now provided for acknowledgement of conveyance of real estate.

Art. 1068. Change of ownership.—Whenever there is a change in ownership of any business operated under any such assumed name as set out in the preceding article, the person or persons withdrawing from said business or disposing of their interest therein, shall file in the office of the county clerk of the county or counties in which such business is being conducted and has a place or places of business, a certificate setting forth the fact of such withdrawal from or disposition of interest in such business, which certificate shall be executed and duly acknowledged by the person or persons so withdrawing from or selling their interest in said business in the manner now provided for acknowledgement of conveyance of real estate.

Art. 1069. Corporations not included.—The preceding articles shall in no way apply to any corporation duly organized under the law of this State or to any corporation organized under the laws of any other State and lawfully doing business in this State.

Art. 1070. Punishment.—Any person owning, carrying on, or transacting business as described in the preceding article of this chapter who shall fail to comply with any provision of this chapter shall be fined not less than twenty-five nor more than one hundred dollars. Each day of such violation shall be a separate offense.

TITLE 17, CHAPTER 16

Art. 1554. Untrue Advertising.—Whoever with intent to sell or in any way dispose of merchandise, securities, service or anything offered by such person, or by any firm, corporation or association which he owns or of which he has control directly or indirectly, to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or any interest therein, makes, publishes, disseminates, circulated or placed before the public in a newspaper, or other publication, or in the form of a book, notice, handbill, window display card or price tag, poster, bill, circular, pamphlet, or letter, or in any other way, an advertisement of any sort regarding merchandise, as to its character or cost, securities, service, or anything so offered to the public, which advertisement contains any assertion, representation or statement of fact which is known by said person or could have been known by use of reasonable diligence or inquiry to be untrue, deceptive or misleading in any material particular as to such matters or things so advertised, shall be fined not less than ten nor more than two hundred dollars. In prosecution under this article such statement, trade name or trade mark, with the name, signature, mark or identification of the person, firm, corporation, partnership, association, shall be considered prima facie evidence of the publication of such statement, trade name or trade mark by the person, firm, corporation, partnership, association, referred to therein.

TITLE 17, CHAPTER THREE

Art. 1376. Cruelty to fowls and poultry.—Whoever receives live fowls, poultry or other birds for transportation or to be confined on wagons or stands, or by the owners of grocery stores, commission houses or other market houses or by any other person when to be closely confined, shall place same immediately in coops, crates or cages made of open slats or wire on at least three sides and of such height that the fowls can stand upright without touching the top, have troughs or other receptacles easy of access at all times by the birds confined therein and so placed that their contents shall not be defiled by them, in which receptacles clean water and suitable food shall be constantly kept; keep such coops, crates or cages in a clean and wholesome condition, place only such numbers in each coop, crate or cage as can stand without crowding one another but have room to move around; but not expose same to undue heat or cold; remove immediately all injured, diseased or dead fowls or other birds, and in default thereof shall be fined not less than five nor more than two hundred dollars.

**DEFINITIONS AND STANDARDS FOR FOOD AND DRUGS
PRODUCTS FOR USE IN ENFORCING THE
TEXAS FOOD AND DRUG LAWS.**

By authority vested in the State Health Officer by Articles 4465A and 4466 to make, publish and enforce rules consistent with this law, and adopt standards for foods, food products, beverages, drugs, etc., and the modern methods of analysis authorized as official by the Federal Department of Agriculture. I hereby make and adopt the following rules and standards.

Signed,

GEO. W. COX, M. D.
State Health Officer.

Sept. 1, 1939.

**PRINCIPLES ON WHICH DEFINITIONS AND STANDARDS
ARE BASED.**

The guiding considerations in preparing definitions and standards of food products are as follows:

The definitions are so framed as to exclude from the articles defined substances not included in the definitions.

A term defined in any of the several schedules has the same meaning wherever used.

The names of food products herein defined agree, so far as possible, with the existing American usage as known to the consumer.

The standards are such that a departure of the articles to which they apply, above the maximum or below the minimum limit prescribed, is evidence that such articles are of inferior or abnormal quality.

The limits fixed as standard are not necessarily the extremes authentically recorded for the article in question, because such extremes are commonly due to abnormal conditions or production and are usually accompanied by marks of inferiority or abnormality readily perceivable by the producer or manufacturer.

**ANIMAL PRODUCTS
MEATS AND THE PRINCIPAL MEAT PRODUCTS**

A. Meats

1. **FLESH.** Any edible part of the striated muscle of an animal. The term "animal," as herein used, indicates a mammal, a fowl, a fish, a crustacean, a mollusk, or any other animal used as a source of food.

1. **MEAT.** The properly dressed flesh derived from cattle, from swine, from sheep, or from goats, sufficiently mature and in good health at the time of slaughter, but restricted to that part of the striated muscle which is skeletal or that which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, and does not include that found in the lips, in the snout, or in the ears, with or without the accompanying and overlying fat, and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the flesh and which may not have been separated from it in the process of dressing it for sale.

3. **FRESH MEAT.** Meat which has undergone no substantial change in character since the time of slaughter.

4. **BEEF.** Meat derived from cattle nearly 1 year of age or older.

5. **VEAL.** Meat derived from young cattle 1 year or less of age.

6. **MUTTON.** Meat derived from sheep nearly 1 year of age or older.

7. **LAMB.** Meat derived from young sheep 1 year or less of age.

8. **PORK.** Meat derived from swine.

B. Meat Byproducts

MEAT BY-PRODUCTS. Any properly dressed edible parts, other than meat, which have been derived from one or more carcasses of cattle, of swine, of sheep, or of goats, sufficiently mature and in good health at the time of slaughter.

C. Prepared Meats

1. **PREPARED MEAT.** The product obtained by subjecting meat to a process of comminuting, of drying, of curing, of smoking, of cooking, of seasoning, or of flavoring, or to any combination of such processes.

2. **CURED MEAT.** The product obtained by subjecting meat to a process of salting, by the employment of dry common salt or of brine, with or without the use of one or more of the following: Sodium nitrite, sodium nitrate, potassium nitrate, sugar, dextrose, a sirup, honey, spice.

3. **DRY SALT MEAT.** The prepared meat, which has been cured by the application of dry common salt, with or without the use of one or more of the following: Sodium nitrite, sodium nitrate, potassium nitrate, sugar, dextrose, a sirup, honey, spice; with or without the injection into it of a solution of common salt to which may have been added one or more of the following: Sodium nitrite, sodium nitrate, potassium nitrate, sugar, dextrose, a sirup, honey.

4. **CORNE MEAT.** The prepared meat which has been cured by soaking in, with or without injecting into it, a solution of common salt, with or without one or more of the following, each in its proper proportion: Sodium nitrite, sodium nitrate, potassium nitrate, sugar, dextrose, a sirup, honey, and with or without the use of spice.

5. **SWEET PICKLED MEAT.** The prepared meat which has been cured by soaking in, with or without injecting into it, a solution of common salt, with sugar and/or dextrose, a sirup, and/or honey, together with one or more of the following, each in its proper proportion: Sodium nitrite, sodium nitrate, potassium nitrate, and with or without the use of spice.

6. **DRIED MEAT.** The product obtained by subjecting fresh meat or cured meat to a process of drying, with or without the aid of artificial heat, until a substantial portion of the water has been removed.

7. **SMOKED MEAT.** The product obtained by subjecting fresh meat, dried meat, or cured meat to the direct action of the smoke either of burning wood or of similar burning material.

8. **CANNED MEAT.** Fresh meat or prepared meat, packed in hermetically sealed containers, with or without subsequent heating for the purpose of sterilization.

9. **HAMBURG STEAK, "HAMBURGER STEAK."** Comminuted fresh beef, with or without addition of suet and/or of seasoning.

10. **POTTED MEAT, DEVILED MEAT.** The product obtained by comminuting and cooking fresh meat and/or prepared meat, with or without spice. It is usually packed in hermetically sealed containers.

11. **SAUSAGE MEAT.** Fresh meat or prepared meat, or a mixture of fresh meat and prepared meat. It is sometimes comminuted. The term "sausage meat" is sometimes applied to bulk sausage containing no meat byproducts.

D. Meat Food Products

1. **MEAT FOOD PRODUCTS.** Any article of food or any article that enter into the composition of food which are not prepared meats but which are derived or prepared, in whole or in part, by a process of manufacture from any portion of the carcasses of cattle, swine, sheep, or goats, if such manufactured portion be all, or a considerable and definite portion, of the article, except such preparations as are for medicinal purposes only.

2. **MEAT LOAF.** The product consisting of a mixture of comminuted meat with spice and/or with cereals, with or without milk and/or eggs, pressed into the form of a loaf and cooked.

3. **PORK SAUSAGE.** Chopped or ground fresh pork, with or without one or more of the following: Herbs, spice, common salt, sugar, dextrose, a sirup, water.

4. **BRAWN.** The product made from chopped or ground and cooked edible parts of swine, chiefly from the head, feet, and/or legs, with or without the chopped or ground tongue.

5. **HEADCHEESE, MOCK BRAWN.** The product made from chopped or ground, cooked edible parts of meat or meat byproducts.

6. **SOUSE.** The product consisting of meat and/or meat byproducts; after cooking, the mixture is commonly packed into containers and covered with vinegar.

7. **SCRAPPLE.** The product consisting of meat and/or meat byproducts mixed with meal or the flour of grain, and cooked with seasoning materials, after which it is poured into a mold.

8. **CHILI CON CARNE** shall contain not less than 40 percent of meat, with or without the addition of cereal not to exceed 8 percent and with or without the addition of not more than 25 percent of animal fat other than that normal to the meat used.

9. **CHILI CON CARNE WITH BEANS** shall contain not less than 25 percent meat. Otherwise, it shall conform to the standard for Chili Con Carne.

The percentages of meat shall be computed upon the weight of fresh meat used in Chili Con Carne and Chili Con Carne with Beans.

The term "meat" as used herein shall be interpreted in accordance with the definition of that product as published in 1937 in "Definitions and Standards" for food and drug products for use in enforcing the Texas food and drug laws.

MEAT AND MEAT PRODUCTS WITH CEREAL, COLOR AND SOY BEAN

1. Meat, meat by-products, prepared meats and meat food products shall not contain cereal, vegetable starch, or vegetable flour, individually or collectively, in excess of 3.5 per cent, except as provided by regulation, in the case of chili con carne and chili con carne with beans.

2. For the purpose of facilitating grinding, chopping, and mixing, not more than 3 per cent of water or ice may be added to sausage which is not smoked or cooked; sausage of the type which is smoked or cooked, such as Frankfurt style, Vienna style, and Bologna style, may contain not more than 10 per cent of added water or moisture to make the product palatable.

3. Milk, skimmed milk, dried milk, dried skimmed milk, malted milk, and analogous substances and products which may be approved for such purpose by the Federal Department of Agriculture, may be added to meat, meat by-products, prepared meats and meat food products, provided their use does not result in added water or moisture in excess of the amount permitted in paragraph 2 of this section. Meat, meat by-products, prepared meats and meat food products shall not contain dried milk, dried skimmed milk, malted milk, or other dehydrated milk product, in excess of 3.5 per cent, and if cereal, vegetable starch or vegetable flour is also added, the combined amount of cereal, vegetable starch, vegetable flour, and dehydrated milk product shall not exceed 3.5 per cent.

4. Meat, meat by-products, prepared and meat food products shall not contain any quantity of artificial color. Casings, either animal, hydro-cellulose, paper or cloth, into which meat, meat by-products, prepared meat and meat food products are stuffed or placed during the process of preparation and manufacture shall not be colored, or bear or contain any artificial color, except the printing of firm names, brand names, recipes, establishment identification or descriptive printing. The use of colored casings or color in such meat products may conceal damage or inferiority.

Provided that nothing herein contained shall prohibit the coloring of animal casing by smoke during the process of preparation and manufacture.

5. Meat, meat by-products, prepared meats and meat food products, shall not contain any quantity of soy bean flour or other products of soy bean. Soy bean flour or other products of soy bean used in any of the above mentioned meat products will be considered as a substitute for meat in whole or in part.

E. Lard

1. LARD. The rendered fresh fat from hogs in good health at the time of slaughter. It is free from rancidity, and contains, necessarily incorporated in the process of rendering, not more than 1 percent of substances other than fatty acids and fat.

2. LEAF LARD. Lard rendered at moderately high temperatures from the internal fat of the abdomen of the hog, excluding that adherent to the intestines, and having an iodine number not greater than 60.

3. NEUTRAL LARD. Lard rendered at low temperatures.

EGGS AND EGG PRODUCTS

1. LIQUID EGGS, MIXED EGGS. The product obtained by separating the edible portion of eggs from the shells. It is an intimate mixture of the whites and yolks in their natural proportions.

2. FROZEN EGGS. The solidified product obtained by quickly and completely freezing liquid eggs.

3. DRIED EGGS. The product obtained by evaporating the water from liquid eggs. It contains not more than 7 percent of moisture.

4. EGG YOLK. The product obtained by removing the whites from the yolks in the commercial process of egg-breaking. It contains not more than 12 percent by weight of adhering white.

5. FROZEN EGG YOLK. The solidified product obtained by quickly and completely freezing egg yolk.

6. DRIED EGG YOLK. The product obtained by evaporating the water from egg yolk. It contains not more than 5 percent of moisture.

MILK AND MILK PRODUCTS

A. Milks

1. MILK. The whole, fresh lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained within 15 days before and 5 days after calving, or such longer period as may be necessary to render the milk practically colostrum-free. The name "milk" unqualified means cow's milk.

2. PASTEURIZED MILK. Milk every particle of which has been subjected to a temperature not lower than 142° F. for not less than 30 minutes and then promptly cooled to 50° F. or lower.

3. HOMOGENIZED MILK. Milk that has been mechanically treated in such a manner as to alter its physical properties, with particular reference to the condition and appearance of the fat globules.

4. EVAPORATED MILK. The product resulting from the evaporation of a considerable portion of the water from milk, or from milk with adjustment, if necessary, of the ratio of fat to nonfat solids by the addition or by the abstraction of cream. It contains not less than 7.8 percent of milk fat, nor less than 25.5 percent of total milk solids; provided, however, that the sum of the percentages of milk fat and total milk solids be not less than 33.3.

5. SWEETENED CONDENSED MILK. The product resulting from the evaporation of a considerable portion of the water from milk to which sugar and/or dextrose has been added. It contains not less than 28 percent of total milk solids, and not less than 8 percent of milk fat.

6. DRIED MILK. The product resulting from the removal of water

from milk. It contains not less than 26 percent of milk fat and not more than 5 percent of moisture.

7. **MALTED MILK.** The product made by combining whole milk with the liquid separated from a mash of ground barley malt and wheat flour, with or without the addition of sodium chloride, sodium bicarbonate, and potassium bicarbonate, in such a manner as to secure the full enzymic action of the malt extract, and by removing water. The resulting product contains not less than 7.5 percent of butterfat and not more than 3.5 percent of moisture.

8. **GOAT'S MILK and EWE'S MILK.** The whole, fresh lacteal secretions free from colostrum obtained by the complete milking of the healthy animal. The milk conforms in name to the species of animal from which it is obtained.

B. Skim Milks

1. **SKIM MILK, SKIMMED MILK.** That portion of milk which remains after removal of the cream in whole or in part.

2. **EVAPORATED SKIMMED MILK.** The product resulting from the evaporation of a considerable portion of the water from skimmed milk. It contains not less than 20 percent of milk solids.

3. **SWEETENED CONDENSED SKIMMED MILK.** The product resulting from the evaporation of a considerable portion of the water from skimmed milk to which sugar and/or dextrose has been added. It contains not less than 24 percent of milk solids.

4. **DRIED SKIMMED MILK.** The product resulting from the removal of water from skimmed milk. It contains not more than 5 percent of moisture.

5. **BUTTERMILK.** The product that remains when fat is removed from milk or cream, sweet or sour, in the process of churning. It contains not less than 8.5 percent of milk solids not fat.

6. **CULTURED BUTTERMILK.** The product obtained by souring pasteurized skimmed or partially skimmed milk by means of a suitable culture or lactic bacteria. It contains not less than 8.5 percent of milk solids not fat.

C. Cream

1. **CREAM, SWEET CREAM.** That portion of milk, rich in milk fat, which rises to the surface of milk on standing or is separated from it by centrifugal force. It contains not less than 18 percent of milk fat and not more than 0.2 percent of acid-reacting substances, calculated in terms of lactic acid.

2. **WHIPPING CREAM.** Cream which contains not less than 30 percent of milk fat.

3. **HOMOGENIZED CREAM.** Cream that has been mechanically treated in such a manner as to alter its physical properties, with particular reference to the condition and appearance of the fat globules.

D. Milk Fat or Butterfat

MILK FAT, BUTTERFAT. The fat of milk.

E. Butter

BUTTER. The food product usually known as butter, and which is made exclusively from milk or cream, or both, with or without common salt, and with or without additional coloring matter. It contains not less than 80 percent by weight of milk fat, all tolerances having been allowed for.

E. Cheese

1. **CHEESE.** The product made from the separated curd obtained by coagulating the casein of milk, skimmed milk, or milk enriched with cream. The coagulation is accomplished by means of rennet or other suitable enzyme, lactic fermentation, or by a combination of the two.

The curd may be modified by heat, pressure, ripening ferments, special molds, or suitable seasoning.

The name "cheese" unqualified means Cheddar cheese (American cheese, American Cheddar cheese).

Whole Milk Cheese

2. **CHEDDAR CHEESE, AMERICAN CHEESE, AMERICAN CHEDDAR CHEESE.** The cheese made by the Cheddar process from heated and pressed curd obtained by the action of rennet on whole milk. It contains not more than 39 percent of water, and, in the water-free substance, not less than 50 percent of milk fat.

3. **PINEAPPLE CHEESE.** The cheese made by the pineapple Cheddar cheese process from pressed curd obtained by the action of rennet on whole milk. The curd is formed into a shape resembling a pineapple, with characteristic surface corrugations, and during the ripening period the cheese is thoroughly coated and rubbed with a suitable oil, with or without shellac. The finished cheese contains, in the water-free substance, not less than 50 per cent of milk fat.

4. **LIMBURGER CHEESE.** The cheese made by the Limburger process from unpressed curd obtained by the action of rennet on whole milk. The curd is ripened in a damp atmosphere by special fermentation. The finished cheese contains, in the water-free substance, not less than 50 percent of milk fat.

5. **BRICK CHEESE.** The quick-ripened cheese made by the brick-cheese process from pressed curd obtained by the action of rennet on whole milk. It contains, in the water-free substance, not less than 50 percent of milk fat.

6. **STILTON CHEESE.** The cheese made by the Stilton process from unpressed curd obtained by the action of rennet on whole milk, with or without added cream. During the ripening process a special blue-green mold develops, and the cheese thus acquires a marbled or mottled appearance in section.

7. **GOUDA CHEESE.** The cheese made by the Gouda process from heated and pressed curd obtained by the action of rennet on whole milk. The rind is colored with saffron. The finished cheese contains, in the water-free substance, not less than 45 percent of milk fat.

8. **NEUFCHATEL CHEESE.** The cheese made by the Neufchatel process from unheated curd obtained by the combined action of lactic fermentation and rennet on whole milk. The curd, drained by gravity and light pressure, is kneaded or worked into a butterlike consistence and pressed into forms for immediate consumption or for ripening. The finished cheese contains, in the water-free substance, not less than 50 percent of milk fat.

9. **CREAM CHEESE.** The unripened cheese made by the Neufchatel process from whole milk enriched with cream. It contains, in the water-free substance, not less than 65 percent of milk fat.

10. **ROQUEFORT CHEESE.** The cheese made by the Roquefort process from unheated, unpressed curd obtained by the action of rennet on the whole milk of sheep, with or without the addition of a small proportion of the milk of goats. The curd is inoculated with a special mold (*Penicillium roqueforti*) and ripens with the growth of the mold. The fully ripened cheese is friable and has a mottled or marbled appearance in section.

11. **GORGONZOLA CHEESE.** The cheese made by the Gorgonzola process from curd obtained by the action of rennet on whole milk. The cheese ripens in a cool, moist atmosphere with the development of a blue-green mold and thus acquires a mottled or marbled appearance in section.

Whole Milk or Skim Milk Cheese

12. **EDAM CHEESE.** The cheese made by the Edam process from heated and pressed curd obtained by the action of rennet on whole milk

or on partly skimmed milk. It is commonly made in spherical form and coated with a suitable oil and a harmless red coloring matter.

13. **SWISS CHEESE.** The cheese made by the Emmenthaler process from heated and pressed curd obtained by the action of rennet on whole milk or on partly skimmed milk. It is ripened by special gas-producing bacteria, causing characteristic "eyes" or holes. The finished cheese contains, in the water-free substance, not less than 45 percent of milk fat.

14. **CAMEMBERT CHEESE.** The cheese made by the Camembert process from unheated, unpressed curd obtained by the action of rennet on whole milk or on slightly skimmed milk. It is ripened by the growth of a special mold (*Penicillium camemberti*) on the outer surface. The finished cheese contains, in the water-free substance, not less than 45 percent of milk fat.

15. **BRIE CHEESE.** The cheese made by the Brie process from unheated, unpressed curd obtained by the action of rennet on whole milk, on milk with added cream, or on slightly skimmed milk. It is ripened by the growth of a special mold on the outer surface.

16. **PARMESAN CHEESE.** The cheese made by the Parmesan process from heated and hard-pressed curd obtained by the action of rennet on partly skimmed milk. The cheese, during the long ripening process, is coated with a suitable oil.

17. **COTTAGE CHEESE.** The unripened cheese made from heated or unheated, separated curd obtained by the action of lactic fermentation or rennet, or a combination of the two, on skimmed milk, with or without the addition of buttermilk. The drained curd may be enriched with cream, and salted or otherwise seasoned.

Pasteurized Cheese

18. **PASTEURIZED CHEESE, PASTEURIZED-BLENDED CHEESE.** The pasteurized product made by comminuting and mixing, with the aid of heat and water, one or more lots of cheese into a homogeneous, plastic mass. The unqualified name "pasteurized cheese," "pasteurized-blended cheese," is understood to mean pasteurized Cheddar cheese, and applies to a product which conforms to the standard for Cheddar cheese. Pasteurized cheese, pasteurized-blended cheese, bearing a varietal name is made from cheese of the variety indicated by the name and conforms to the limits for fat and moisture for cheese of that variety.

Process Cheese

19. **PROCESS CHEESE.** The modified cheese made by comminuting and mixing one or more lots of cheese into a homogeneous, plastic mass, with the aid of heat, with or without the addition of water, and with the incorporation of not more than 3 percent of a suitable emulsifying agent. The name "process cheese" unqualified is understood to mean process Cheddar cheese, and applies to a product which contains not more than 40 percent of water and, in the water-free substance, not less than 50 percent of milk fat. Process cheese qualified by a varietal name is made from cheese of the variety indicated by the name, and conforms to the limits for fat and moisture for cheese of that variety.

Ice Cream

1. Ice cream is a frozen product made from cream and sugar, with or without a natural flavoring, and contains not less than 8 percent of milk fat, and may contain one-fifth of one percent of harmless filler.

2. Fruit ice cream is a frozen product made from cream, sugar, and sound, clean, mature fruits, and contains not less than 6 percent of milk fat.

3. Nut ice cream is a frozen product made from cream, sugar, and sound, non-rancid nuts, and contains not less than 6 percent of milk fat.

**VEGETABLE PRODUCTS
GRAIN PRODUCTS****A. Grain and Flours**

1. **GRAIN.** The fully matured, air-dry seed of wheat, maize, rice, oats, rye, buckwheat, barley, sorghum, millet, or spelt.

2. **RICE.** The hulled, or hulled and polished, grain of *Oryza sativa* L.

a. Brown rice is hulled, unpolished grain.

b. Polished rice, "rice," is the hulled grain from which the bran or pericarp has been removed by scouring and rubbing.

3. **MEAL.** The product made by coarsely grinding grain.

4. **CORN MEAL, MAIZE MEAL, INDIAN CORN MEAL.** Meal made from maize grain. It contains not more than 14 percent of moisture, not less than 1.12 percent of nitrogen, and not more than 1.6 percent of ash.

5. **OATMEAL.** Meal made from hulled oats. It contains not more than 12 percent of moisture, not more than 1.5 percent of crude fiber, not less than 2.24 percent of nitrogen, and not more than 2.2 percent of ash.

6. **FLOUR, WHEAT FLOUR, WHITE FLOUR.** The fine-ground product obtained in the commercial milling of wheat, consisting essentially of the starch and gluten of the endosperm. It contains not more than 15 percent of moisture, not less than 1 percent of nitrogen, not more than 1 percent of ash, and not more than 0.5 percent of fiber.

7. **WHOLE-WHEAT FLOUR, ENTIRE-WHEAT FLOUR, GRAHAM FLOUR.** The product made by grinding wheat, and containing, in their natural proportions, all of the constituents of the cleaned grain.

8. **GLUTEN FLOUR.** The product made from wheat flour by the removal of a large part of the starch. It contains not more than 10 percent of moisture and, calculated on the water-free basis, not less than 7.1 percent of nitrogen, not more than 56 percent of nitrogen-free extract (using the protein factor 5.7), and not more than 44 percent of starch (as determined by the diastase method).

9. **GROUND GLUTEN.** The product made from wheat flour by the almost complete removal of starch. It contains not more than 10 percent of moisture and, calculated on the water-free basis, not less than 14.2 percent of nitrogen, not more than 15 percent of nitrogen-free extract (using the protein factor 5.7), and not more than 5.5 percent of starch (as determined by the diastase method).

10. **PURIFIED MIDDINGS.** The granular product obtained in the commercial process of milling wheat, and is that portion of the endosperm retained on 10 XX silk bolting cloth. It contains no more flour than is consistent with good commercial practice, nor more than 15 percent of moisture.

11. **SEMOLINA.** The purified middlings of durum wheat.

12. **FARINA.** The purified middlings of hard wheat other than durum.

13. **BUCKWHEAT FLOUR.** Bolted buckwheat meal, containing not more than 12 percent of moisture, not less than 1.28 percent of nitrogen, and not more than 1.75 percent of ash.

14. **RYE FLOUR.** The fine-ground product made by bolting rye meal. It contains not more than 13.5 percent of moisture, not less than 1.36 percent of nitrogen, and not more than 1.25 percent of ash.

B. Breads

1. **BREAD.** The product made by baking a dough consisting of a leavened or unleavened mixture of ground grain and/or other edible farinaceous substance, with water, and with or without the addition of other edible substances.

2. **WHITE BREAD.** The product, in the form of loaves or smaller units, obtained by baking a leavened and kneaded mixture of flour, water,

salt, and yeast, with or without edible fat or oil, milk or a milk product, sugar and/or other fermentable carbohydrate substance. It may also contain diastatic and/or proteolytic ferments and such minute amounts of unobjectionable salts as serve solely as yeast nutrients. The flour ingredient may include not more than 3 percent of other edible farinaceous substance. White bread contains, 1 hour or more after baking, not more than 38 percent of moisture. The name "bread" unqualified is commonly understood to mean white bread.

3. **WHOLE-WHEAT BREAD, ENTIRE-WHEAT BREAD, GRAHAM BREAD.** The product, in the form of loaves or smaller units, obtained by baking a leavened and kneaded mixture of whole-wheat flour, water, salt, and yeast, with or without edible fat or oil, milk or a milk product, sugar and/or other fermentable carbohydrate substance. It may also contain diastatic and/or proteolytic ferments and such minute amounts of unobjectionable salts as serve solely as yeast nutrients. It contains, 1 hour or more after baking, not more than 38 percent of moisture.

4. **MILK BREAD.** The product, in the form of loaves or smaller units, obtained by baking a leavened and kneaded mixture of flour, salt, yeast, and milk or its equivalent (milk solids and water in the proportions normal to milk); with or without edible fat or oil, sugar and/or other fermentable carbohydrate substance. It may also contain diastatic and/or proteolytic ferments and such minute amounts of unobjectionable salts as serve solely as yeast nutrients. The flour ingredients may include not more than 3 percent of other edible farinaceous substance. Milk bread contains, 1 hour or more after baking, not more than 38 percent of moisture.

5. **RASIN BREAD.** The product, in the form of loaves or smaller units, obtained by baking a leavened and kneaded mixture of flour, water, salt, yeast, and raisins, with or without edible fat or oil, milk or a milk product, sugar and/or other fermentable carbohydrate substance. It may contain diastatic and/or proteolytic ferments and such minute amounts of unobjectionable salts as serve solely as yeast nutrients. The flour ingredients may include not more than 3 percent of other edible farinaceous substance. The finished product contains not less than 3 ounces of raisins to the pound.

6. **BOSTON BROWN BREAD.** The product, commonly in the form of cylindrical loaves, obtained by steaming or baking a leavened mixture of rye flour or meal, corn meal, a wheat flour, molasses, salt, water and/or a milk product, with or without raisins. Leavening is commonly effected through the use of baking powder or sodium bicarbonate and sour milk.

C. Macaroni and Noodles

1. **MACARONI.** The shaped and dried doughs prepared by adding water to one or more of the following: Semolina, farina, wheat flour. It may contain added salt. In the finished product the moisture content does not exceed 13 percent. Various shapes of macaroni are known under distinguishing names, such as spaghetti, vermicelli.

a. Semolina macaroni is macaroni in the preparation of which semolina is the sole farinaceous ingredient.

b. Farina macaroni is macaroni in the preparation of which farina is the sole farinaceous ingredient.

2. **NOODLES, EGG NOODLES.** The shaped and dried doughs prepared from wheat flour and eggs, with or without water and with or without salt. The egg ingredient may be whole egg and/or egg yolk. In the finished product the moisture content does not exceed 13 percent and the egg-solids content upon the moisture-free basis is not less than 5.5 percent. Noodles are commonly ribbon-shaped.

3. **PLAIN NOODLES.** The shaped and dried doughs prepared from wheat flour and water, with or without salt. In the finished product the moisture content does not exceed 13 percent. Plain noodles are commonly ribbon-shaped.

FRUITS AND VEGETABLES**A. Fruit and Fruit Products—Citrus Fruits**

1. **GRAPEFRUIT, POMELO.** The mature fruit of *Citrus grandis* Osbeck. The juice of the mature fruit contains not less than 7 parts of "soluble solids" (Brix reading expressed as sucrose) to each part of acid calculated as citric acid without water of crystallization.

2. **ORANGE** (common, sweet, or round). The mature fruit of *Citrus senensis* Osbeck. The juice of the mature fruit contains not less than 8 parts of "soluble solids" (Brix reading expressed as sucrose) to each part of acid calculated as citric acid without water of crystallization.

Dried Fruits

3. **EVAPORATED APPLES.** Peeled, cored, and sliced apples from which the greater portion of the moisture has been evaporated. The finished product contains not more than 24 percent of moisture.

4. **DRIED APRICOTS.** Halved and pitted ripe apricots from which the greater portion of the moisture has been evaporated. Before packing, the dried fruit is commonly processed by washing. The finished product contains not more than 26 percent of moisture.

5. **DRIED PEACHES.** Halved and pitted ripe peaches from which the greater portion of the moisture has been evaporated. Before packing, the dried fruit is commonly processed by washing. The finished product contains not more than 26 percent of moisture.

6. **DRIED PRUNES.** Whole ripe prune plums from which the greater portion of the moisture has been evaporated. Before packing, the dried fruit is commonly processed by treatment with boiling water or steam. The finished product contains, in the fleshy portion, not more than 25 percent of moisture.

Cold-Pack Fruit

7. **COLD-PACK FRUIT.** The product, obtained by packing, in a suitable container, properly prepared fruit, with or without the addition of sugar and/or dextrose, and maintaining it at a temperature sufficiently low to insure its preservation.

Preserves, Jams, Jellies

8. **PRESERVE, FRUIT PRESERVE, JAM, FRUIT JAM.** The product made by cooking to a suitable consistence properly prepared fresh fruit, cold-pack fruit, canned fruit, or a mixture of two or all of these, with sugar or with sugar and dextrose, with or without water. In its preparation not less than 45 pounds of fruit are used to each 55 pounds of sugar or of sugar and dextrose. A product in which the fruit is whole or in relatively large pieces is customarily designated a "preserve" rather than a "jam."

9. **JELLY, FRUIT JELLY.** The semi-solid, gelatinous product made by concentrating to a suitable consistence the strained juice or the strained water extract from fresh fruit, from cold-pack fruit, from canned fruit, or from a mixture of two or of all of these, with sugar or with sugar and dextrose.

10. **GLUCOSE FRUIT PRESERVE, CORN SIRUP FRUIT PRESERVE, GLUCOSE FRUIT JAM, CORN SIRUP FRUIT JAM.** The product made by cooking to a suitable consistence properly prepared fresh fruit, cold-pack fruit, canned fruit, or a mixture of two or all of these, with glucose or corn sirup. In its preparation not less than 45 pounds of fruit are used to each 55 pounds of glucose or corn sirup.

11. **GLUCOSE FRUIT JELLY, CORN SIRUP FRUIT JELLY.** The semi-solid, gelatinous product made by concentrating to a suitable consistence the strained juice or the strained water extract from fresh fruit, from cold-pack fruit, from canned fruit, or from a mixture of two or of all of these, with glucose or corn sirup.

12. **CITRUS FRUIT MARMALADE.** The jellylike product made from the properly prepared peel and juice, with or without the pulp, of citrus fruit, with sugar or with sugar and dextrose, by cooking with water. It contains, embedded in the mass, pieces of the fruit peel.

13. **APPLE BUTTER.** The semi-solid product obtained by cooking to a suitable consistence the strained edible portion of apples with sugar and/or dextrose, with or without one or more of the following: Apple juice, boiled cider, spice, slat. In its preparation not less than 5 parts by weight of the strained apples are used to each 2 parts by weight of sugar and/or dextrose. The product has a characteristic apple flavor and is commonly spiced.

B. Fruit Juices

1. **FRUIT JUICE.** The unfermented liquid obtained from the first pressing of sound, ripe, fresh fruit or its pulp. It conforms in name to the fruit from which it is obtained.

2. **GRAPE JUICE.** The unfermented juice of sound, ripe grapes. It is obtained by a single pressing of the fruit, with or without the aid of heat, and with or without the removal of insoluble matter.

3. **ORANGE JUICE.** The unfermented juice obtained from sound, ripe, sweet oranges. It may contain a portion of the pulp.

C. Fruit Kernel Pastes

1. **KERNEL PASTES.** The plastic products obtained by cooking with water, sugar, and/or dextrose, the blanched and ground kernels of one or more of the following: Apricots, peaches, plums (prunes). They are free from hydrocyanic acid and contain not more than 14 percent of water nor more than 40 percent of total sugars expressed as invert sugar. A kernel paste conforms in name to the kind or kinds of kernels employed in its production.

2. **ALMOND PASTE.** The kernel paste obtained by cooking blanched and ground sweet almonds with blanched and ground bitter almonds, water, sugar, and/or dextrose. It contains not more than 14 percent of water nor more than 40 percent of total sugars expressed as invert sugar.

D. Tomato Products

1. **TOMATO PUREE*, TOMATO PULP.** The product resulting from the concentration of the screened or strained fleshy and liquid portions of ripe tomatoes, except those portions from skin and core trimmings; with or without the addition of salt. The product contains not less than 8.37 percent of tomato solids.

2. **TOMATO PASTE, SALSA DI POMODORO, "SALSA."** The product resulting from the concentration of the screened or strained fleshy and liquid portions of ripe tomatoes, except those portions from skin and core trimmings; with or without the addition of salt, and with or without the addition of basil. The finished product contains not less than 22 percent of tomato solids.

3. **HEAVY TOMATO PASTE, "CONCENTRATO."** Tomato paste containing not less than 33 percent of tomato solids.

4. **TOMATO JUICE.** The unconcentrated, pasteurized product, consisting of the liquid, with a substantial portion of the pulp, expressed from ripe tomatoes, with or without the application of heat, and with or without the addition of salt.

5. **TOMATO CATCHUP.** The concentrated product made from the pulp and juice of ripe tomatoes (exclusive of skins, seeds, and cores), a vinegar, salt, spice, and other seasoning, sugar and/or dextrose.

E. Pickles

1. **PICKLES.** Immature cucumbers properly prepared, without tak-

*"Tomato puree" should not be confused with "puree from trimmings," a term used to denote a product, commonly unconcentrated, sometimes added in the canning of tomatoes.

ing up any metallic compounds other than salt, and preserved in any kind of vinegar, with or without spices. Pickled onions, pickled beets, pickled beans, and other pickled vegetables are vegetables prepared as described above, and conform in name to the vegetables used.

2. **SALT PICKLES.** Immature cucumbers preserved in a solution of common salt, with or without spices.

3. **SWEET PICKLES.** Pickled cucumbers or other vegetables sweetened with sugar and/or dextrose.

F. Sauerkraut

SAUERKRAUT. The product, of characteristic acid flavor, obtained by the full fermentation, chiefly lactic, of properly prepared and shredded cabbage in the presence of not less than 2 percent nor more than 3 percent of salt. It contains, upon completion of the fermentation, not less than 1.5 percent of acid, expressed as lactic acid. Sauerkraut which has been rebrined in the process of canning or repacking, contains not less than 1 percent of acid, expressed as lactic acid.

SUGARS AND RELATED SUBSTANCES

A. Sugar and Sugar Products

1. **SUGAR.** Sucrose (saccharose) obtained chiefly from sugarcane and sugar beets. Granulated, loaf, cut, milled, and powdered sugars are different forms of sugar, containing at least 99.5 percent of sucrose.

2. **MOLASSES.** The product left after separating the sugar from massecuite, melada, mush, sugar, or concrete. It contains not more than 25 percent of water and not more than 5 percent of ash.

3. **REFINERS SIRUP.** The residual liquid product obtained in the process of refining raw cane sugars. It contains not more than 25 percent of water and not more than 8 percent of ash.

4. **CANE SIRUP.** Sirup made by the evaporation of the juice of the sugarcane or by the solution of sugarcane concrete. It contains not more than 30 percent of water and not more than 2.5 percent of ash.

5. **SUGAR SIRUP.** The sirup made by dissolving sugar in water. It contains not more than 35 percent of water.

6. **MAPLE SUGAR.** The solid product resulting from the evaporation of maple sap or maple sirup.

7. **MAPLE SIRUP.** Sirup made by the evaporation of maple sap, or by the solution of maple sugar. It contains not more than 35 percent of water. The finished product weighs not less than 11 pounds to the gallon (231 cubic inches).

8. **SORGHUM SIRUP.** The sirup obtained by the clarification and concentration of the juice of the sugar sorghum. It contains not more than 30 percent of water, nor more than 6.25 percent of ash calculated on a dry basis.

B. Dextrose and Related Products

1. **DEXTROSE.** The product chiefly made by the hydrolysis of starch or a starch-containing substance, followed by processes of refining and crystallization. When derived from cornstarch, dextrose is known commercially as refined corn sugar.

a. Anhydrous dextrose contains not less than 99.5 percent of dextrose and not more than 0.5 percent of moisture.

b. Hydrated dextrose contains not less than 90 percent of dextrose and not more than 10 percent of moisture, including water of crystallization.

2. **GLUCOSE, MIXING GLUCOSE, CONFECTIONER'S GLUCOSE.** A thick, sirupy, colorless product made by incompletely hydrolyzing starch, or a starch-containing substance, and decolorizing and evaporating the product. It contains on a basis of 41° Baume not more than 1 percent of ash, consisting chiefly of chlorides and sulphates.

C. Honey

1. **HONEY.** The nectar and saccharine exudations of plants gathered, modified, and stored in the comb of honeybees (*Apis mellifica* and *A. dorsata*). Honey is levorotatory and contains not more than 25 percent of water, not more than 0.25 percent of ash, and not more than 8 percent of sucrose.

2. **COMB HONEY.** Honey contained in the cells of comb.

3. **EXTRACTED HONEY.** Honey which has been separated from the uncrushed comb by centrifugal force or gravity.

4. **STRAINED HONEY.** Honey removed from the crushed comb by straining or other means.

CONDIMENTS

A. Spices

The term "dried" as used in this schedule refers to the air-dried product. The term "starch" as used in this schedule refers to starch as determined by the official diastase method.

1. **SPICES.** Aromatic vegetable substances used for the seasoning of food. They are true to name, and from them no portion of any volatile oil or other flavoring principle has been removed.

2. **ALLSPICE, PIMENTO.** The dried, nearly ripe fruit of *Pimenta officinalis* Lindl. It contains not less than 8 percent of quercitanic acid (calculated from the total oxygen absorbed by the aqueous extract), not more than 25 percent of crude fiber, not more than 6 percent of total ash, nor more than 0.4 percent of ash insoluble in hydrochloric acid.

3. **ANISE, ANISEED.** The dried fruit of *Pimpinella anisum* L. It contains not more than 9 percent of total ash, nor more than 1.5 percent of ash insoluble in hydrochloric acid.

4. **BAY LEAVES.** The dried leaves of *Laurus nobilis* L.

5. **CAPERS.** The flower buds of *Capparis spinosa* L.

6. **CARAWAY, CARAWAY SEED.** The dried fruit of *Carum carvi* L. It contains not more than 8 percent of total ash, nor more than 1.5 percent of ash insoluble in hydrochloric acid.

7. **CARDAMON.** The dried, nearly ripe fruit of *Elettaria cardamomum* Maton.

8. **CARDAMAN SEED.** The dried seed of cardamon. It contains not more than 8 percent of total ash, nor more than 3 percent of ash insoluble in hydrochloric acid.

9. **RED PEPPER.** The red, dried, ripe fruit of any species of *Capsicum*. It contains not more than 8 percent of total ash, nor more than 1 percent of ash insoluble in hydrochloric acid.

10. **CAYENNE PEPPER, CAYENNE.** The dried, ripe fruit of *Capsicum frutescens* L., *C. baccatum* L., or some other small-fruited species of *Capsicum*. It contains not less than 15 percent of nonvolatile ether extract, not more than 1.5 percent of starch, not more than 28 percent of crude fiber, not more than 8 percent of total ash, not more than 1.25 percent of ash insoluble in hydrochloric acid.

11. **PAPRIKA.** The dried, ripe fruit of *Capsicum annum* L. It contains not more than 8.5 percent of total ash, nor more than 1 percent of ash insoluble in hydrochloric acid. The iodine number of its extracted oil is not less than 125, nor more than 136.

12. **HUNGARIAN PAPRIKA.** Paprika having the pungency and flavor characteristic of that grown in Hungary.

- a. **Rosenpaprika, rosapaprika, rose paprika,** is Hungarian paprika prepared by grinding specially selected pods of paprika, from which the lanentae, stalks, and stems have been removed. It contains no more seeds than the normal pods, not more than 18 percent of nonvolatile ether extract, nor more than 23 percent of crude fiber, not more than 6 percent of total ash, nor more than 0.4 percent of ash insoluble in hydrochloric acid.

- b. **Koenigspaprika**, king's paprika, is Hungarian paprika prepared by grinding whole pods of paprika without selection, and includes the seeds and stems naturally occurring with the pods. It contains not more than 18 percent of nonvolatile ether extract, not more than 23 percent of crude fiber, not more than 6.5 percent of total ash, nor more than 0.5 percent of ash insoluble in hydrochloric acid.
13. **PIMENTON, PIMIENTO, SPANISH PAPRIKA.** Paprika having the characteristics of that grown in Spain. It contains not more than 18 percent of nonvolatile ether extract, not more than 21 percent of crude fiber, not more than 8.5 percent of total ash, nor more than 1 percent of ash insoluble in hydrochloric acid.
14. **CELERY SEED.** The dried fruit of *Celeri graveolens* (L.) Britton (*Apium graveolens* L.) It contains not more than 10 percent of total ash, nor more than 2 percent of ash insoluble in hydrochloric acid.
15. **CINNAMON.** The dried bark of cultivated varieties of *Cinnamomum zeylanicum* Nees or of *C. cassia* (L.) Blume, from which the outer layers may or may not have been removed.
16. **CEYLON CINNAMON.** The dried inner bark of cultivated varieties of *Cinnamomum zeylanicum* Nees.
17. **SAIGON CINNAMON, CASSIA.** The dried bark of cultivated varieties of *Cinnamomum cassia* (L.) Blume.
18. **GROUND CINNAMON, GROUND CASSIA.** The powder made from cinnamon. It contains not more than 5 percent of total ash, nor more than 2 percent of ash insoluble in hydrochloric acid.
19. **CLOVES.** The dried flower buds of *Caryophyllus aromaticus* L. They contain not more than 5 percent of clove stems, not less than 15 percent of volatile ether extract, not less than 12 percent of quercitannic acid (calculated from the total oxygen absorbed by the aqueous extract), not more than 10 percent of crude fiber, not more than 7 percent of total ash, nor more than 0.5 percent of ash insoluble in hydrochloric acid.
20. **CORIANDER SEED.** The dried fruit of *Coriandrum sativum* L. It contains not more than 7 percent of total ash, nor more than 1.5 percent of ash insoluble in hydrochloric acid.
21. **CUMIN SEED.** The dried fruit of *Cuminum cyminum* L. It contains not more than 9.5 percent of total ash, not more than 1.5 percent of ash insoluble in hydrochloric acid, nor more than 5 percent of harmless foreign matter.
22. **CURCUMA, TURMERIC.** The dried rhizome or bulbous root of *Curcuma longa* L.
23. **DILL SEED.** The dried fruit of *Anethum graveolens* L. It contains not more than 10 percent of total ash, nor more than 3 percent of ash insoluble in hydrochloric acid.
24. **FENNEL SEED.** The dried fruit of cultivated varieties of *Foeniculum vulgare* Hill. It contains not more than 9 percent of total ash nor more than 2 percent of ash insoluble in hydrochloric acid.
25. **GINGER.** The washed and dried, or decorticated and dried, rhizome of *Zingiber officinale* Roscoe. It contains not less than 42 percent of starch, not more than 8 percent of crude fiber, not more than 1 percent of lime (CaO), not less than 12 percent of cold-water extract, not more than 7 percent of total ash, not more than 2 percent of ash insoluble in hydrochloric acid, nor less than 2 percent of ash soluble in cold water.
26. **JAMAICA GINGER.** Ginger grown in Jamaica. It contains not less than 15 percent of cold-water extract, and conforms in other respects to the standards for ginger.
27. **LIMED GINGER, BLEACHED GINGER.** Whole ginger coated with carbonate of calcium. It contains not more than 4 percent of carbonate of calcium nor more than 10 percent of total ash, and conforms in other respects to the standards for ginger.

28. **HORSERADISH.** The root of *Radicula armoracia* (L.) Robinson.

29. **PREPARED HORSERADISH.** Comminuted horseradish, with or without a vinegar.

30. **MACE.** The dried arillus of *Myristica fragrans* Houtt. It contains not less than 20 percent nor more than 30 percent of nonvolatile ether extract, not more than 10 percent of crude fiber, not more than 3 percent of total ash, nor more than 0.5 percent of ash insoluble in hydrochloric acid.

31. **MACASSAR MACE, PAPUA MACE.** The dried arillus of *Myristica argentea* Warb.

32. **MARJORAM, LEAF MARJORAM.** The dried leaves, with or without a small proportion of the flowering tops, of *Majorana hortensis* Moench. It contains not more than 16 percent of total ash, not more than 4.5 percent of ash insoluble in hydrochloric acid, nor more than 10 percent of stems and harmless foreign material.

33. **MUSTARD SEED.** The seed of *Sinapis alba* L. (white mustard), *Brassica nigra* (L.) Koch (black mustard), *B. juncea* (L.) Cosson, or varieties or closely related species of the types of *B. nigra* and *B. juncea*.

Sinapis alba (white mustard) contains no appreciable amount of volatile oil. It contains not more than 5 percent of total ash nor more than 1.5 percent of ash insoluble in hydrochloric acid.

Brassica nigra (black mustard) and *B. juncea* yield 0.6 percent of volatile mustard oil (calculated as allylthiocyanate). The varieties and species closely related to the types of *B. nigra* and *B. juncea* yield not less than 0.6 percent of volatile mustard oil, similar in character and composition to the volatile oils yielded by *B. nigra* and *B. juncea*. These mustard seeds contain not more than 5 percent of total ash, nor more than 1.5 percent of ash insoluble in hydrochloric acid.

34. **GROUND MUSTARD SEED, MUSTARD MEAL.** Unbolted, ground mustard seed, conforming to the standards for mustard seed.

35. **MUSTARD CAKE.** Ground mustard seed, mustard meal, from which a portion of fixed oil has been removed.

36. **MUSTARD FLOUR, GROUND MUSTARD, "MUSTARD."** The powder made from mustard seed with the hulls largely removed and with or without the removal of a portion of the fixed oil. It contains not more than 1.5 percent of starch, nor more than 6 percent of total ash.

37. **PREPARED MUSTARD.** A paste composed of a mixture of ground mustard seed and/or mustard flour and/or mustard cake, with salt, a vinegar, and with or without sugar and/or dextrose, spices, or other condiments. In the fat-, salt-, and sugar-free solids it contains not more than 24 percent of carbohydrates, not more than 12 percent of crude fiber, nor less than 5.6 percent of nitrogen, the carbohydrates being calculated as starch.

38. **NUTMEG.** The dried seed of *Myristica fragrans* Houtt, deprived of its testa, with or without a thin coating of lime (CaO). It contains not less than 25 percent of nonvolatile ether extract, not more than 10 percent of crude fiber, not more than 5 percent of total ash, nor more than 0.5 percent of ash insoluble in hydrochloric acid.

39. **MACASSAR NUTMEG, PAPUA NUTMEG, MALE NUTMEG, LONG NUTMEG.** The dried seed of *Myristica argentea* Warb, deprived of its testa.

40. **PARADISE SEED, GRAINS OF PARADISE, GUINEA GRAINS, MELEGUETA PEPPER.** The seed of *Amomum melegueta* Roscoe.

41. **PARSLEY LEAVES.** The leaves of *Petroselinum hortense* Hoffm. (*P. sativum* Hoffm.).

42. **BLACK PEPPER.** The dried immature berry of *Piper nigrum* L. It contains not less than 6.75 percent of nonvolatile ether extract, not less than 30 percent of starch, not more than 7 percent of total ash, nor more than 1.5 percent of ash insoluble in hydrochloric acid.

43. **GROUND BLACK PEPPER.** The product made by grinding the entire berry of *Piper nigrum* L. It contains the several parts of the berry in their normal proportions.

44. **LONG PEPPER.** The dried fruit of *Piper longum* L.

45. **WHITE PEPPER.** The dried mature berry of *Piper nigrum* L. from which the outer coating (or the outer and inner coatings) have been removed. It contains not less than 7 percent of nonvolatile ether extract, not less than 52 percent of starch, not more than 5 percent of crude fiber, not more than 3.5 percent of total ash, nor more than 0.3 percent of ash insoluble in hydrochloric acid.

46. **SAFFRON.** The dried stigma of *Crocus sativas* L. It contains not more than 10 percent of yellow styles and other foreign matter, nor more than 14 percent of volatile matter when dried at 100° C., not more than 7.5 percent of total ash, nor more than 1 percent of ash insoluble in hydrochloric acid.

47. **SAGE.** The dried leaf of *Salvia officinalis* L. It contains not more than 12 percent of stems (excluding petioles) and other foreign material.

48. **SAVORY, SUMMER SAVORY.** The dried leaves and flowering tops of *Satureja hortensis* L.

49. **STAR ANISEED.** The dried fruit of *Illicium verum* Hook. It contains not more than 5 percent of total ash.

50. **TARRAGON.** The dried leaves and flowering tops of *Artemisia dracunculus* L.

51. **THYME.** The dried leaves and flowering top of *Thymus vulgaris* L. It contains not more than 14 percent of total ash, nor more than 4 percent of ash insoluble in hydrochloric acid.

B. Flavoring Extracts and Essential Oils

1. **FLAVORING EXTRACT.** A solution in ethyl alcohol of proper strength of the sapid and odor principles derived from the aromatic plant, or parts of the plant, with or without its coloring matter, conforming in name to the plant used in its preparation.

2. **ALMOND EXTRACT.** The flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid. It contains not less than 1 percent by volume of oil of bitter almonds.

2a. **OIL OF BITTER ALMONDS, COMMERCIAL.** The volatile oil obtained from the seed of the bitter almond (*Amygdalus communis* L.), the apricot (*Prunus armeniaca* L.), or the peach (*Amygdalus persica* L.).

3. **ANISE EXTRACT.** The flavoring extract prepared from oil of anise. It contains not less than 3 percent by volume of oil of anise.

3a. **OIL OF ANISE.** The volatile oil obtained from aniseed.

4. **CELERY SEED EXTRACT.** The flavoring extract prepared from celery seed or the oil of celery seed, or both. It contains not less than 0.3 percent by volume of oil of celery seed.

4a. **OIL OF CELERY SEED.** The volatile oil obtained from celery seed.

5. **CINNAMON EXTRACT, CASSIA EXTRACT, CASSIA CINNAMON EXTRACT.** The flavoring product prepared from oil of cinnamon. It contains not less than 2 percent by volume of oil of cinnamon.

5a. **OIL OF CINNAMON, OIL OF CASSIA, OIL OF CASSIA CINNAMON.** The lead-free volatile oil obtained from the leaves or bark of *Cinnamomum cassia* (L.) Blume. It contains not less than 80 percent by volume of cinnamic aldehyde.

6. **CEYLON CINNAMON EXTRACT.** The flavoring extract prepared from oil of Ceylon cinnamon. It contains not less than 2 percent by volume of oil of Ceylon cinnamon.

6a. **OIL OF CEYLON CINNAMON.** The lead-free volatile oil ob-

tained from the bark of the Ceylon cinnamon *Cinnamomum zeylanicum* Nees.), It contains not less than 65 percent by weight of cinnamic aldehyde and not more than 10 percent by weight of eugenol.

7. CLOVE EXTRACT. The flavoring extract prepared from oil of cloves. It contains not less than 2 percent by volume of oil of cloves.

7a. OIL OF CLOVES. The lead-free volatile oil obtained from cloves.

8. GINGER EXTRACT. The flavoring extract prepared from ginger. It contains in each 100 cubic centimeters the alcohol-soluble matters from not less than 20 grams of ginger.

9. LEMON EXTRACT. The flavoring extract prepared from oil of lemon, or from lemon peel, or both. It contains not less than 5 percent by volume of oil of lemon.

9a. OIL OF LEMON. The volatile oil expressed, without the aid of heat, from the fresh peel of the lemon (*Citrus limonia* Osbeck), with or without previous separation of the pulp and peel.

10. TERPENELESS EXTRACT OF LEMON. The flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol. It contains not less than 0.2 percent by weight of citral derived from oil of lemon.

10a. TERPENELESS OIL OF LEMON. Oil of lemon from which all or nearly all of the terpenes have been removed.

11. NUTMEG EXTRACT. The flavoring extract prepared from oil of nutmeg. It contains not less than 2 percent by volume of oil of nutmeg.

11a. OIL OF NUTMEG. The volatile oil obtained from nutmegs.

12. ORANGE EXTRACTS. The flavoring extract prepared from oil of orange, or both orange peel, or both. It contains not less than 5 percent by volume of oil of orange.

12a. OIL OF ORANGE. The volatile oil obtained, by expression or alcoholic solution, from the fresh peel of the orange (*Citrus aurantium* L.). It has an optical rotation (25° C.) of not less than plus-95° in a 100-millimeter tube.

13. TERPENELESS EXTRACT OF ORANGE. The flavoring extract prepared by shaking oil of orange with dilute alcohol, or by dissolving terpeneless oil of orange in dilute alcohol. It corresponds in flavoring strength to orange extract.

13a. TERPENELESS OIL OF ORANGE. Oil of orange from which all or nearly all of the terpenes have been removed.

14. PEPPERMINT EXTRACT. The flavoring extract prepared from oil of peppermint, or from peppermint, or both. It contains not less than 3 percent by volume of oil of peppermint.

14a. PEPPERMINT. The leaves and flowering tops of *Mentha piperita* L.

14a. OIL OF PEPPERMINT. The volatile oil obtained from peppermint. It contains not less than 50 percent by weight of menthol.

15. ROSE EXTRACT. The flavoring extract prepared from attar of roses, with or without red rose petals. It contains not less than 0.4 percent by volume of attar of roses.

15a. ATTAR OF ROSES. The volatile oil obtained from the petals of *Rosa Damascena* Mill., *R. centifolia* L. or *R. moschata* Herrm.

16. SAVORY EXTRACT. The flavoring extract prepared from oil of savory, or from savory, or both. It contains not less than 0.35 percent by volume of oil of savory.

16a. OIL OF SAVORY. The volatile oil obtained from savory.

17. SPEARMINT EXTRACT. The flavoring extract prepared from oil of spearmint, or from spearmint, or both. It contains not less than 3 percent by volume of oil of spearmint.

17a. SPEARMINT. The leaves and flowering of *Mentha spicata* L.

18. **STAR ANISE EXTRACT.** The flavoring extract prepared from oil of star anise. It contains not less than 3 percent by volume of oil of star anise.

18a. **OIL OF STAR ANISE.** The volatile oil distilled from the fruit of the star anise (*Illicium verum* Hook.).

19. **SWEET BASIL EXTRACT.** The flavoring extract prepared from oil of sweet basil, or from sweet basil, or both. It contains not less than 0.1 percent by volume of oil or sweet basil.

19a. **SWEET BASIL.** The leaves and tops of *Ocimum basilicum* L.

19a. **OIL OF SWEET BASIL.** The volatile oil obtained from basil.

20. **SWEET MARJORAM EXTRACT, MARJORAM EXTRACT.** The flavoring extract prepared from the oil of marjoram, or from marjoram, or both. It contains not less than 1 percent by volume of oil of marjoram.

20a. **OIL OF MARJORAM.** The volatile oil obtained from marjoram.

21. **THYME EXTRACT.** The flavoring extract prepared from oil of thyme, or from thyme, or both. It contains not less than 0.2 percent by volume of oil of thyme.

21a. **OIL OF THYME.** The volatile oil obtained from thyme.

22. **TONKA EXTRACT.** The flavoring extract prepared from tonka bean, with or without one or more of the following: Sugar, dextrose, glycerin. It contains not less than 0.1 percent by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof.

22a. **TONKA BEAN.** The seed of *Coumarouna odorata* Aublet (*Dip-teryx odorata* (Aubl.) (Willd.).

23. **VANILLA EXTRACT.** The flavoring extract prepared from vanilla bean, with or without one or more of the following: Sugar, dextrose, glycerin. It contains in 100 cubic centimeters the soluble matters from not less than 10 grams of the vanilla bean.

23a. **VANILLA BEAN.** The dried, cured fruit of *Vanilla fragrans* (Salisb.) Ames *V. planifolia* Andr.).

24. **WINTERGREEN EXTRACT.** The flavoring extract prepared from oil of wintergreen. It contains not less than 3 percent by volume of oil of wintergreen.

24a. **OIL OF WINTERGREEN.** The volatile oil distilled from the leaves of *Gaultheria procumbens* L.

C. Mayonnaise Dressing

MAYONNAISE, MAYONNAISE DRESSING, MAYONNAISE SALAD DRESSING. The semisolid emulsion of edible vegetable oil, egg yolk, or whole egg, a vinegar, and/or lemon juice, with one or more of the following: Salt, other seasoning commonly used in its preparation, sugar, and/or dextrose. The finished product contains not less than 50 percent of edible vegetable oil.

EDIBLE VEGETABLE OILS AND FATS

1. **EDIBLE FATS and EDIBLE OILS.** Such glycerids of the fatty acids as are recognized to be wholesome foods. They are dry, and sweet in flavor and odor.

2. **CACAO BUTTER, COCOA BUTTER.** The edible fat obtained from sound cacao beans (seeds of *Theobroma cacao* L. or other closely related species), either before or after roasting.

3. **COCONUT OIL, COPRA OIL.** The edible oil obtained from the kernels of the coconut (*Cocos nucifera* L. or *C. butyracea* L.).

a. Cochin oil is coconut oil prepared in Cochine (Malabar).

b. Ceylon oil is coconut oil prepared in Ceylon.

4. **CORN OIL, MAIZE OIL.** The edible oil obtained from the germ of Indian corn, maize (*Zea mays* L.).

5. **COTTONSEED OIL.** The edible oil obtained from the seed of the

cotton plant (*Gossypium herbaceum* L.), or from the seed of other species of *Gossypium*.

6. OLIVE OIL, SWEET OIL. The edible oil obtained from the sound, mature fruit of the olive tree (*Olea eunpaea* L.).

7. PALM KERNEL OIL. The edible oil obtained from the kernels of the fruit of the palm tree (*Elaeis guineensis* Jacq., or *E. melanococca* Gaert.).

8. PEANUT OIL, ARACHIS OIL, EARTHNUIT OIL. The edible oil obtained from the peanut (*Arachis hypogaea* L.).

9. POPPY-SEED OIL. The edible oil obtained from the seeds of the poppy (*Papaver somniferum* L.).

10. RAPESEED OIL, RAPE OIL, COLZA OIL. The edible oil obtained from the seed of the rape plant (*Brassica napus* L.), or from the seed of closely related *Brassica* species which yield oils similar in composition and character to the oil obtained from the seed of *B. napus* L.

11. SOYBEAN OIL, SOY OIL, SOJA OIL. The edible oil obtained from the seed of the soybean plant (*Soja max.* (L.) Piper; *Glycine soja* Sieb. and Zucc.; *Soja hispida* Moench).

12. SESAME OIL, GINGILLI OIL, TEEL OIL, BENNE OIL. The edible oil obtained from the seed of the sesame plant (*Sesamum orientale* L.; *S. indicum* L.; *S. radiatum* Schum. and Thonn.).

13. SUNFLOWER OIL. The edible oil obtained from the seed of the sunflower (*Helianthus annus* L.).

TEA, COFFEE, AND CACAO PRODUCTS

A. Tea

TEA. The tender leaves, leaf buds, and tender internodes of different varieties of *Thea sinensis* L., prepared and cured by recognized methods of manufacture. It conforms in variety and place of production to the name it bears; contains not less than 4 percent nor more than 7 percent of ash; and meets the provisions of the act of Congress approved March 2, 1897, as amended, regulating the importation and inspection of tea.

B. Coffee

COFFEE. The seed of cultivated varieties of *Coffea arabica*, *C. liberica*, and *C. robusta*.

a. Green coffee, raw coffee, unroasted coffee, is coffee freed from all but a small portion of its spermoderm, and conforms in variety and in place of production to the name it bears.

b. Roasted coffee "Coffee," is properly cleaned green coffee which by the action of heat (roasting) has become brown and has developed its characteristic aroma.

C. Cacao Products

1. CACAO BEANS, COCOA BEANS. The seeds of trees belonging to the genus *Theobroma*, especially those of *T. cacao* L. and closely related species.

2. CACAO NIBS, COCOA NIBS, "CRACKED COCOA." Roasted or dried cacao beans, broken and freed from germ and from shell or husk.

3. CACAO BUTTER, COCOA BUTTER. (See Edible Vegetable Oils and Fats.)

4. CHOCOLATE, PLAIN CHOCOLATE, BITTER CHOCOLATE, CHOCOLATE LIQUOR, CHOCOLATE PASTE, BITTER CHOCOLATE COATING. The solid or plastic mass obtained by grinding cacao nibs. It contains not less than 50 percent of cacao fat and, on the moisture- and fat-free basis, not more than 8 percent of total ash, not more than 0.4 percent of ash insoluble in hydrochloric acid, nor more than 7 percent of crude fiber.

5. SWEET CHOCOLATE, SWEET CHOCOLATE COATING. Chocolate mixed with sugar and/or dextrose, with or without addition of

cacao butter, spices, or other flavoring materials. It contains, on the moisture-, sugar-, and fat-free basis, no greater percentage of total ash, ash insoluble in hydrochloric acid, or crude fiber, respectively, than is found in moisture- and fat-free chocolate.

6. **MILK CHOCOLATE, SWEET MILK CHOCOLATE.** The product obtained by grinding chocolate with sugar and/or dextrose, with the solids of whole milk, or the constituents of milk solids in proportions normal for whole milk, and with or without cacao butter, and/or flavoring material. It contains not less than 12 percent of milk solids.

7. **COCOA, POWDERED COCOA.** Chocolate deprived of a portion of its fat and pulverized. It contains, on the moisture- and fat-free basis, no greater percentage of total ash, ash insoluble in hydrochloric acid, or crude fiber, respectively, than is found in moisture- and fat-free chocolate.

8. **"BREAKFAST COCOA."** Cocoa which contains not less than 22 percent of cacao fat.

9. **SWEET COCOA, SWEETENED COCOA.** Cocoa mixed with sugar and/or dextrose. It contains not more than 65 percent of total sugars in the finished product, and, on the moisture-, sugar-, and fat-free basis, no greater percentage of total ash, ash insoluble in hydrochloric acid, or crude fiber, respectively, than is found in moisture- and fat-free chocolate.

10. **SWEET MILK COCOA.** The product obtained by grinding cocoa with sugar and/or dextrose, with the solids of whole milk, or the constituents of milk solids in proportions normal for whole milk, and with or without flavoring material. It contains not less than 12 percent of milk solids.

11. **DUTCH-PROCESS CHOCOLATE, "ALKALIZED CHOCOLATE,"** and **DUTCH-PROCESS COCOA, "ALKALIZED COCOA."** Modifications, respectively, of chocolate and cocoa, in that in their manufacture an alkali carbonate or other suitable alkaline substance has been employed. In the preparation of these products not more than 3 parts by weight of potassium carbonate, or the neutralizing equivalent thereof in other alkaline substances, are added to each 100 parts by weight of cacao nibs. The finished products conform to the standards for chocolate and cocoa, respectively, due allowance being made for the kind and amount of alkaline substance added.

BEVERAGES

A. Carbonated Beverages and Beverage Flavors

1. **GINGER ALE.** The carbonated beverage prepared from ginger ale flavor, harmless organic acid, water, and a sirup of one or more of the following: Sugar, invert sugar, dextrose; with or without the addition of caramel color.

1a. **GINGER ALE FLAVOR, GINGER ALE CONCENTRATE.** The beverage flavor in which ginger is the essential constituent, with or without aromatic and pungent ingredients, citrus oils, fruit juices, and caramel color.

2. **SARSAPARILLA.** The carbonated beverage prepared from sarsaparilla flavor, water, and a sirup of one or more of the following: Sugar, invert sugar, dextrose; with or without harmless organic acid, and with or without the addition of caramel color.

2a. **SARSAPARILLA FLAVOR.** The beverage flavor prepared from oil of sassafras and methyl salicylate (or oil of wintergreen or oil of sweet birch), with or without other aromatic and flavoring substances and caramel color. It derives its characteristic flavor from oil of sassafras and methyl salicylate.

3. **ROOT BEER.** The carbonated beverage prepared from root beer flavor, water, and a sirup of one or more of the following: Sugar, invert sugar, dextrose; with or without harmless organic acid, and with or without the addition of caramel color.

3a. **ROOT BEER FLAVOR, ROOT BEER CONCENTRATE.** The bev-

erage flavor in which oil of sassafras and methyl salicylate (or oil of wintergreen or oil of sweet birch) are the principal flavoring constituents. It contains other flavoring substances, with or without the addition of caramel color.

4. BIRCH BEER. The carbonated beverage prepared from birch beer flavor, water, and a sirup of one or more of the following: Sugar, invert sugar, dextrose; with or without harmless organic acids, and with or without the addition of caramel color.

4a. BIRCH BEER FLAVOR, BIRCH BEER CONCENTRATE. The beverage flavor in which methyl salicylate (or oil of sweet birch or oil of wintergreen) and oil of sassafras are the principal flavoring constituents, with or without other flavoring substances, and with or without the addition of caramel color. The flavor of methyl salicylate predominates.

5. CREAM SODA WATER, "CREAM SODA." The carbonated beverage prepared from cream soda water flavor, water, and a sirup of one or more of the following: Sugar, invert sugar, dextrose; with or without harmless organic acid, and with or without the addition of caramel color.

5a. CREAM SODA WATER FLAVOR, CREAM SODA WATER CONCENTRATE. The beverage flavor prepared from vanilla, tonka, vanillin, or coumarin, singly or in combination, together with other flavoring substances; with or without the addition of caramel color.

VINEGARS

1. VINEGAR, CIDER VINEGAR, APPLE VINEGAR. The product made by the alcoholic and subsequent acetous fermentations of the juice of apples. It contains, in 100 cubic centimeters (20° C.), not less than 4 grams of acetic acid.

2. WINE VINEGAR, GRAPE VINEGAR. The product made by the alcoholic and subsequent acetous fermentations of the juice of grapes. It contains, in 100 cubic centimeters (20° C.), not less than 4 grams of acetic acid.

3. MALT VINEGAR. The product made by the alcoholic and subsequent acetous fermentations, without distillation, of an infusion of barley malt or cereals whose starch has been converted by malt. It contains, in 100 cubic centimeters (20° C.), not less than 4 grams of acetic acid.

4. SUGAR VINEGAR. The product made by the alcoholic and subsequent acetous fermentations of sugar sirup, molasses, or refiners sirup. It contains, in 100 cubic centimeters (20° C.), not less than 4 grams of acetic acid.

5. GLUCOSE VINEGAR. The product made by the alcoholic and subsequent acetous fermentations of a solution of glucose. It is dextrorotatory and contains, in 100 cubic centimeters (20° C.), not less than 4 grams of acetic acid.

6. SPIRIT VINEGAR, DISTILLED VINEGAR, GRAIN VINEGAR. The product made by the acetous fermentation of dilute distilled alcohol. It contains, in 100 cubic centimeters (20° C.), not less than 4 grams of acetic acid.

MISCELLANEOUS PRODUCTS

Salt

TABLE SALT, DAIRY SALT. Fine-grained crystalline salt containing, on a water-free basis, not more than 1.4 percent of calcium sulphate (CaSO_4), not more than 0.5 percent of calcium and magnesium chlorides (CaCl_2 and MgCl_2), nor more than 0.1 percent of matters insoluble in water.

Baking Powder

BAKING POWDER. The leavening agent produced by the mixture of an acid-reacting material and sodium bicarbonate, with or without starch or flour. It yields not less than 12 percent of available carbon dioxide.

The acid-reacting materials in baking powder are: (1) Tartaric acid or its acid salts, (2) acid salts of phosphoric acid, (3) compounds of alumnium, or (4) any combination in substantial proportions of the foregoing.

RULES AND REGULATIONS FOR THE ENFORCEMENT OF THE FOOD AND DRUG LAW, 1925

Art. 706. Adulterated or Misbranded Food or Drug.—No person, firm or corporation, shall within this State manufacture for sale, have in his possession with the intent to sell, offer or expose for sale or sell or exchange any article of food or drug which is adulterated or misbranded within the meaning of this chapter. The term "food" shall include all articles used by man for food, drink, flavoring, confectionery or condiment, whether simple, mixed or compounded. The term "drug" shall include all medicines and preparations for internal or external use recognized in the United States Pharmacopoeia or National Formulary, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or animal. (Acts 1911, p. 76.)

Standard for Drugs

Art. 707. "Adulterated"—For the purpose of this chapter an article shall be deemed to be adulterated:

(a) In the case of drugs:

(1) If, when sold under or by a name, recognized in the eighth decennial revision of the United States Pharmacopoeia or in such United States Pharmacopoeia as was official at the time of labeling it, or in the National Formulary, it differs from the standard strength, quality or purity laid down therein;

(2) If, when sold under or by a name not recognized in the eighth decennial revision of the United States Pharmacopoeia, but which is found in some other pharmacopoeia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity laid down in such work;

(3) If its strength, quality or purity falls below the professed standard under which it was sold.

Storage of Biologicals.

The Texas Food and Drug Law states and provides:

1. That no person, firm or corporation, shall within this State have in his possession with the intent to sell, offer or expose for sale, or sell or exchange any drug which is adulterated within the meaning of the Act.

2. That the term "Drug" shall include all medicines and preparations recognized by the United States Pharmacopoeia.

3. That a drug shall be deemed adulterated if when sold under or by a name recognized by the Pharmacopoeia it differs from the standard strength, quality and purity laid down therein.

Your attention is respectfully called to the provisions of the U. S. Pharmacopoeia requiring that biological preparations, known as antitoxin, or as bacterial vaccine, be kept at all times "at a temperature between 4.5 degrees and 20 degrees Centigrade, preferably at the lower limit," and that preparations known as smallpox vaccine be kept at a temperature "preferably below 0 degrees Centigrade and never above 5 degrees Centigrade."

Therefore, biological preparations which are not kept within the provisions of the Pharmacopoeia shall be deemed adulterated.

Label.

(a) The term "label," as used in the Act, includes any legend and descriptive matter or design appearing upon the article or its container,

and also includes circulars, pamphlets, and the like which are packed and go with the article to the purchaser, and such letters, circulars, and pamphlets to which reference is made either on the label attached to the package or on the package itself.

(b) The label shall bear, plainly and conspicuously displayed, all the information specifically required by the Act.

(c) A label in a foreign language shall conform to these regulations and shall bear all the information by the Act in English, as well as in each of the foreign languages used to describe the article of food or drugs.

(d) The label shall be free from any statement, design, or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place of origin, which is false or misleading in any particular. The terms "design" and "device" include pictorial matter of every description, abbreviations, characters, and signs.

(e) A food or drug product shall not be labeled or branded in such a manner as to deceive or mislead the purchaser. Direct misstatements and indirect misrepresentations regarding the article or its ingredients by means of designs, printed testimonials, devices, or artifices in the arrangement, style, or dress of the package, or in the arrangement of the printed or pictorial matter in or upon the label or package are prohibited.

(f) An article containing more than one food product or active medicinal agent is misbranded if named after a single constituent. In the case of drugs the nomenclature employed by the United States Pharmacopoeia and the National Formulary shall obtain.

(g) The statement of the formula is not required on the label except in so far as may be necessary to prevent adulteration or misbranding.

(h) An article so labeled as to convey the impression that all of its ingredients are declared is misbranded if the list of ingredients is incomplete.

Labeling of Coffee

Coffee to which chicory or cereals or other harmless substances have been added is misbranded, unless the package, carton or tin containing same plainly shows the words "Chicory, Cereals etc., Added." Such statement must appear on the container itself. The marking on crates, boxes or wrapper without a similar statement on the container itself shall be considered an evasion of the law.

The word "plainly" means a legible type proportional to other statements on the label, without disguise of any kind.

Retail packages must bear labels identical to those of the original container.

Coffee, labeled coffee or represented as coffee to which fillers, siftings or waste products has been added is misbranded, unless a statement on the label and invoices clearly shows that such fillers, siftings or waste products have been added.

Name and Address of Manufacturer

(a) The name of the manufacturer or producer shall be given upon the label, and must be the true name. The words "Packed for.....," "Distributed by.....," or some equivalent phrase, shall be added to the label in case the name which appears upon the label is not that of the actual manufacturer or producer.

(b) The place of manufacture or production, if given, must be correctly stated.

(c) When a person, firm, or corporation actually manufactures or produces a food or a drug in two or more places, the actual place of manufacture or production of each particular package need not be stated on the label except when the mention of any place, to the exclusion of the others, deceives or misleads.

Character of Name

(a) A simple or unmixed food or drug product shall be sold by its common name in the English language; or, if a drug recognized in the United States Pharmacopoeia or National Formulary, by the name or names therein designated.

(b) A geographical name indicating that a food or drug product was manufactured or produced in a specific place shall not be used unless such product was manufactured or produced in that place.

(c) A name which is distinctive of a product of a specific foreign country shall not be used upon an article not manufactured or produced in that country, except as an indication of the type or style of quality or manufacture, and then only when the product possesses substantially the characteristic qualities of the product of that foreign country. Such name shall be so qualified as to remove any impression that the article was manufactured or produced in the country in which the name is distinctive.

"Distinctive Name" and "Own Distinctive Name."

(a) A "distinctive name" is a name that distinguishes one kind of food from another.

(b) The expression "own distinctive name" means a name which is purely arbitrary or fanciful and distinguishes a particular article of food from all other articles of food. It shall not give a false indication of origin, character, composition, ingredients, or place of manufacture, and shall not lead the purchaser to suppose that the product is other than what it is.

Mixtures or Compounds With Distinctive Names.

(a) The terms "mixtures" and "compounds" are interchangeable.

(b) Mixtures or compounds with distinctive names shall not be imitations of other articles, whether simple, mixed, or compound, or offered for sale under the names of other articles. In addition to the distinctive name, they shall bear on the same label or brand the name of the place of manufacture, or production. If the name of the place be one which is found in different states, territories, or countries, the name of the state, territory, or country, as well as the name of the place, must be stated.

Imitations, Blends, Compounds Without Distinctive Names.

(a) An imitation shall bear on the label the word "imitation," and, in addition, a clear statement of the principal or essential ingredients of the article.

(b) Compounds and blends shall bear on the label the word "compound" or "blend," as the case may be, and, in addition a clear statement of the principal or essential ingredients of the article.

Substitution.

When a substance of a recognized quality commonly used in the preparation of a food product is replaced in whole or in part by another substance not injurious or deleterious to health, the name of the substitute shall appear upon the label.

Saccharin in Food

The use of saccharin in foods as a substitute for sugar is prohibited by Article 707 of the Texas Food and Drug Act in that it reduces, lowers and injuriously affects the quality and strength of the article; second, it is held to be a substitute wholly or in part for sugar; third, it is held to be below that standard of quality, strength and purity represented to the customer. Therefore, any beverage or other food sweetened with saccharin will be considered adulterated.

By-products or Waste Food Material.

A food which consists in whole or in part of sound by-products or

waste food material, such as pieces, stems, trimmings, and the like, shall not be labeled with the unqualified name of the substance from which such material is derived.

Certain Adulterations Not Corrected by Label

Proper labeling alone will not remove an article from the operation of the law. Certain forms of adulteration, e. g., the addition of a poisonous or deleterious ingredient which may render the article injurious to health, can not be corrected by any form of labeling.

Substances Required to Be Stated on the Label

(a) A drug is misbranded if it fails to bear a statement on the label of the quality or proportion of alcohol of any kind, morphine, opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis, indica, chloral hydrate, acetanilid, or any derivative or preparation of any such substances therein contained. Such statement shall be made in a plain and conspicuous manner.

(b) A food is misbranded if it fails to bear a statement on the label of the quantity or proportion of any morphine opium, heroin, cocaine, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances therein contained. Such statement shall be made in a plain and conspicuous manner.

(c) In declaring the quantity or proportion of any of the substances specified in paragraphs a and b of this regulation, the names by which they are designated in the act shall be used. In declaring the quantity or proportion of derivatives of any of the specified substances, in addition to the trade name of the derivative, the name of the specified substance shall also be stated so as to indicate clearly that the product is a derivative of the particular specified substance.

Method of Stating Quantity or Proportion

(a) The quantity of alcohol in a drug shall be stated, in terms of the average percentage by volume of absolute alcohol in the finished product.

(b) In a liquid the quantity of any substance specified in regulation except alcohol, and the quantity of any derivative or preparation of any such substance, including derivatives of alcohol, shall be stated in terms of grains or minims per fluid ounce; in a solid, the quantity shall be stated in terms of grains or minims per avoirdupois ounce, provided that statements may be in terms of the metric system, if preferred.

(c) When two or more pills, wafers, tablets, powders, capsules, and the like are put up for sale or distribution in the same container, the quantity of the specified substance or derivative present in each pill, wafer, tablet, powder, capsule, or other unit shall be stated.

(d) A statement of the maximum quantity or proportion of any substance specified in regulation present will meet the requirements, provided the maximum stated does not vary materially from the average quantity or proportion.

Sirup Manufacturers, Packers and Dealers

1. Sirup when packed for sale must be labeled.

(a) A proper label consists of the name of the product, the net volume of contents, and the name and place of manufacture.

(b) Where the product is not a pure cane sirup a declaration of the contents must be made, the ingredients being named in order of their proportion, but the proportion need not be stated.

(c) When the sirup contains sulphur dioxide or sulphites, the label must bear a declaration to that effect.

(d) The presence of any added preservative, added flavor or added acid must be declared on the label.

(e) No statement, design or device can appear on the label which might mislead or misinform the purchaser.

2. Sugar-cane sirup is sirup made by the evaporation of the juice of the sugar-cane or by the solution of sugar-cane concrete, and contains not more than thirty per cent (30%) of water and not more than two and five-tenths per cent (2.5%) of ash.

(a) The words "sugar-cane concrete" means the sugar-cane juice evaporated to dryness or semi-dryness. The distinction between sugar concrete and brown sugar or ordinary sugar is that sugar-cane concrete is obtained by simply evaporating to dryness a sugar-bearing juice, whereas the ordinary sugar of commerce is obtained by crystallization and separated from the mother liquor.

(b) The use of the words "Country," "Plantation," "Home Made," "Louisiana," "Texas," "Open Kettle" in the brand name can only be used on a Pure Cane Sirup, and the product must be made as the label indicates.

3. Sugar cane is the product made by dissolving sugar to the consistence of a sirup and contains not more than thirty-five per cent (35%) of water.

4. A sirup made of two or more ingredients cannot be named after any one ingredient.

5. A product made in imitation of a natural or manufactured product must be labeled "imitation."

6. Sirup should be marked with net volume instead of the net weight.

7. Words qualifying a sirup must appear in large type immediately under the principal name of the product.

8. Qualifying statements cannot be used to modify a brand. For instance, a label showing the words "Pure Cane Sirup" cannot be qualified by a statement that the sirup is made of cane and corn sugars.

9. The words "Corn Sugar" or "Corn Sirup" can be used in place of glucose; the words "Grape Sugar" in place of "glucose" is not permissible.

Candy

Article 706, Texas Food and Drug Law, states in part that no person, firm or corporation shall manufacture for sale, or have in his possession with intent to sell, offer or expose for sale or exchange, any article of food which is adulterated.

Article 707, the same Law, states that an article shall be deemed adulterated in the case of confectionery, if it contains terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous color flavor, or other ingredients deleterious or detrimental to health or any vinous, malt or spirituous liquor or compound or narcotic drug.

Candy, nuts or other food containing, or mixed with, articles made of metal, wood, glass or any inedible substance, will be considered adulterated under the above stated Law, because of possible danger to health through mechanical injury or absorption of poisonous paint or dyes.

Returned Spoiled Foods.

In accordance with a recent Act of the Federal Food, Drug, and Insecticide Administration in regard to "returned spoiled foods" in interstate shipments, the following announcement is made to those interested in the shipment of such goods within the State of Texas.

The practice has long existed in the distributing trade of securing a refund for foods that become spoiled, particularly canned foods, by returning them to the sources from which they were obtained. Frequently this material finds its way back into trade channels and is again offered for consumption.

Spoiled foods are potentially dangerous to the consumer and should be destroyed immediately on discovery of their condition. It is consid-

ered necessary to the protection of the public that hereafter seizure proceedings be instituted against shipments of decomposed foods, even though such shipments be made with the sole intent of securing a refund for spoilage. The shipper of such foods will be liable to criminal prosecution.

Milk and Cream.

Article 707, Section 6, Texas Food and Drug Laws provide "in the case of foods that an article shall be deemed to be adulterated if it consists in whole or in part of filthy decomposed or putrid animal or vegetable substance" and defines filthy as applied to food, "when it is not securely protected from flies, dirt, and as far as may be necessary by all reasonable means from all foreign or injurious contamination." The penalty for violating any provision of this law is a fine of \$25.00 to \$200.00.

Milk and cream intended for use in the manufacture of any article of food must be protected from contamination at every stage. Milk and cream producers must use every means to protect their milk and cream supply from contamination by keeping their barns, milk rooms, clothing and utensils used in handling milk and cream scrupulously clean. Receiving stations and plants must not accept milk and cream known to be exposed to or containing filth and shall use diligence in protecting them from contamination after their acceptance. Both producers and manufacturers will be held responsible for keeping milk and cream free from contamination.

Milk and Cream Containers

One of the most common sources of milk and cream contamination is by the use of old, rusty, worn-out cans, non descript vessels such as buckets, crocks, bottles, etc. Nothing but regulation milk and cream cans should be used. These must be kept in good repair, inner surfaces free from rust spots and streaks and well tinned, smooth and free of wrinkles, seams in cans, if not the seamless kind, should be soldered flush and smooth to facilitate cleaning. Cans with holes, cracks, splits or rough inner surfaces should be discarded, if repair is difficult. Lids should likewise be kept in good repair.

Rough handling of milk and cream cans by both truckers and plant employees should be stopped. This practice is responsible for battering and denting the cans in such a manner that proper cleaning is impossible, besides hastening wear.

Milk and cream cans must not be used for handling oil, gasoline, kerosene, feeds, slop or any substance liable to contaminate milk and cream after thorough cleaning and sterilizing. Heavy losses are sustained through carelessness in this respect. Cleaning of cans should follow immediately after emptying. Rinsing with disinfecting solution and draining of cans should be done immediately before each use. Milk and cream handled in containers not properly cleaned or kept in proper repair will be considered adulterated under the meaning of the State Food and Drug Law.

Reconditioned Flour.

Article 707, Section 6, of the Texas Food and Drug Law provides that, in the case of food: "An article shall be deemed to be adulterated if it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal or vegetable unfit for human consumption, whether manufactured or not. The penalty for violating this law is a fine of from twenty-five to two hundred dollars."

It has long been the custom of certain dealers and manufacturers of flour and other cereals to resort to the practice of sifting out worms from flour which has thus become contaminated and again offering this flour for sale to the consuming public who are ignorant of the fact that the flour has been infested by worms in great numbers, in many cases. Dealers and manufacturers seem to labor under the impression this practice is legitimate, though in our opinion, this is deceptive and in violation of the above State law. Our conclusions are based upon the results of labo-

ratory examinations of many samples of so-called "reconditioned flour," in which was found segments of worms, insects and their excreta; rat hairs, rat excreta, grit and dirt.

In the case of flour being sifted and resacked it is often mixed as to brands. This is in violation of a law recently passed by the Texas Legislature, which provides that each package of wheat flour, other cereal flour and corn meal shall have the net weight, name of manufacturer (meaning the person, firm, association, or corporation which processes the wheat or other cereal into flour, or which processes the corn into meal) and the name of the place where milled, printed or plainly marked on it in letters and figures clearly readable; and that it shall be unlawful for wheat flour, other cereal flour or corn meal, to be packed for sale, offered for sale or sold within the State of Texas unless it shall be so labeled. By this it will be seen that mixed brands of flour cannot be properly identified as to place of manufacture or name of manufacturer.

Inspectors of this Department are empowered to bring criminal prosecution against any person known to be adulterating or misbranding flour, as described above, and to bring seizure proceedings against any flour thus reconditioned.

Flour Containers.

Food handled in containers that are filthy, or that have not been laundered or properly cleaned and sterilized after previous use, will be considered adulterated under Section 707 of the State Food and Drug Laws.

In order to adequately protect flour, meal and other cereals, only new or freshly laundered bags should be used. The practice of returning used bags to the mill for refilling has been the cause of many lots of flour being found adulterated and condemned. In many instances it has been found, by inspectors of this Department, that no care whatsoever, has been exercised by bakers in keeping sacks, intended for refilling at the mill, in a clean condition. One lot of sacks of this kind appeared to have been used for wiping machinery or mopping floors or tables. Another lot was found mouldy. Another was found to be breeding places for insects. Examination showed many worms had hatched out and were wiggling about in the folds of the sacks.

Attempting to refill sacks that have been subjected to filthy conditions is, to say the least of it, a very nasty practice and must be stopped. Prosecutions will be instituted against any person known to be subjecting flour or any other food to such insanitary conditions. This applies to bakers, grocers, millers or any other person or persons, in whose possession such sacks are found with intent to refill with food.

SANITARY RULES AND REGULATIONS FOR FOOD AND DRUG ESTABLISHMENTS.

Section 1. Every building, room, basement, or cellar occupied or used as a confectionery, cannery, packing house, creamery, cheese factory, candy factory, ice cream factory, cake factory, restaurant, hotel kitchen, grocery, drug store, meat market, bottling works, produce house or other place or apartment used for the preparation, manufacture, packing, storage, sale, or distribution of any food or drug shall be properly lighted, drained, plumbed and ventilated, and conducted with strict regard to the influence of such conditions upon the health of the operatives, employees, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced. The term "food" as used herein shall include all articles used for food or drinks, confectionery or condiment, whether simple, mixed, or compound, and substances or ingredients used in the preparation thereof; and the term "drug" as used shall include all medicines and preparations for internal or external use recognized in the U. S. Pharmacopoeia or National Formulary, and any substance, or mixture of substances, intended to be used for the cure, mitigation, or prevention of disease of either man or animal. The term "transportation" as used shall apply only to intra-state traffic.

Sec. 2. The floors, walls, ceilings, furniture, receptacles, implements, and machinery of every establishment or place where food or drugs are prepared, manufactured, packed, stored, sold, or distributed; and all cars, trucks, and vehicles, used in the transportation of food products shall at no time be kept in an unclean, unhealthy or insanitary condition. Unclean, unhealthy and insanitary conditions shall be deemed to exist if refuse, dirt, and waste products subject to decomposition and fermentation, incident to the manufacture, preparation, packing, storing, selling, distribution and transporting of the article of food or drug are not removed daily; if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers and other apparatus, utensils, and machinery used in moving, handling, cutting, chopping, mixing, canning, and all other processes are not thoroughly cleaned daily or immediately after a twenty-four hour interval of disuse or interruption in use, and if the clothing of operatives, employees, clerks, or other persons therein employed is unclean.

Sec. 3. All materials used in the production of food or drug products, and all food and drug products, shall be stored, handled and kept in a way to protect them from spoilage and contamination; and no material shall be used which is spoiled or contaminated, or which may render the finished product unwholesome or unfit for the use for which it is intended; and no water which is polluted shall be used for washing, cleaning, or preparing any food product.

Sec. 4. The walls and ceiling of every confectionery, creamery, cheese factory, hotel kitchen, and restaurant kitchen shall be well plastered, wainscoted, or ceiled with metal, or lumber, and shall be oil painted or kept well lime washed; and all interior wood work in every confectionery, creamery, cheese factory, hotel kitchen, and restaurant kitchen shall be kept well oiled or painted with oil paints, and kept washed clean with soap and water; and every building, room, basement, or cellar occupied, or used for the preparation, manufacture, packing, storage, sale, or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood or other suitable non-absorbent material which can be flushed and washed clean with water.

Sec. 5. The doors, windows, and other outside openings of every food producing or distributing establishment shall be fitted with self-closing screen doors and wire window screens of not coarser than sixteen mesh screen gauze. Provided, that wholesale houses and other establishments that handle only canned goods or other similarly protected food products which cannot possibly be damaged by flies shall not be required to have screens.

Sec. 6. Every building, room, basement, inclosure, or premises occupied, used, or maintained for the production, preparation, manufacture, canning, packing, storage, sale or distribution of food or drugs shall have adequate and convenient toilet rooms, lavatory or lavatories. The toilet room shall be separate and apart from the room or rooms where the process of production, preparation, manufacture, packing, storing, canning, selling, and distribution is conducted. The floors of such toilet rooms shall be of non-absorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate venting flues and pipes, discharging into soil pipes, or shall be on the outside of and well removed from the building. Lavatories and wash rooms shall be adjacent to toilet rooms, or when the toilet is outside of the building, the wash room shall be near the exit to the toilet and shall be supplied with soap, running water and clean towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks, and all other persons who handle the material from which food or drugs are prepared, or the finished products, before beginning work and after visiting toilets, shall wash their hands and arms thoroughly with soap and clean water. Signs to this effect shall be posted in a conspicuous place.

Sec. 7. No operative, employee, or other person shall expectorate on

the floor or walls of any buildings, rooms, basement or cellar where the production, manufacture, packing, storing, preparation, or sale of any food or drugs is conducted.

Sec. 8. No person or persons shall be allowed to live or sleep in any hotel kitchen or dining room, restaurant, confectionery, creamery, cheese factory or any other place where food is prepared, served, or sold.

9. The sidewalk or street display of food products is prohibited unless such products are enclosed in glass show cases or similar devices which shall protect the products from flies or other contamination. The bottom of such show case or container shall be at least two feet above the surface of the ground or floor. Fans and mosquito netting are not a sufficient protection. The sidewalks or street display of meat or meat products is prohibited. The polishing of fruit or any other food product by any process or in any manner which is unsanitary or unclean is hereby prohibited.

Sec. 10. Confectionery, dates, figs, dried fruits, berries, butter, cheese, bakery products, and all foods subject to contamination, while on sale or display are required to be properly covered to effectively protect the same from contamination by handling with hands or damage by flies, dust, vermin, or other means of foreign or injurious contamination.

Sec. 11. No building, place, or room which is dilapidated or in such a state of repair or of such construction that it cannot be kept in a sanitary condition when used as place for the preparation, manufacture, packing, storage, sale, or distribution of any food or drug product shall be used as a place for conducting any business handling, preparing or producing food or food products; and the owner or owners of such building, room, or place shall not permit it to be used as a place for conducting such a business; and each day of use of such building, room, or place shall constitute a separate offense.

Slaughter Houses.

1. All slaughter houses must have an abundant supply of water from a well or other sources which is not contaminated. This water must be applied with adequate pressure through a hose to all parts of the room or rooms for the purpose of slaughtering or preparing meats for consumption as human food.

2. All such slaughter houses must have water tight floors and water must be carried one hundred feet away from the slaughter house. The floor must be thoroughly washed each day after the slaughtering is completed, and the effluvia shall not be allowed to drain underneath the building or collect in pools nearby, nor shall effluvia be conducted into any stream or pond or allowed to contaminate any well whose waters are used in connection with the slaughter house, or that may be used for domestic purposes.

3. The walls and all exposed surfaces on the inside of the slaughter house must be cleaned by washing or scraping as often as necessary in order to keep the premises in proper sanitary condition. If the walls are not painted, they must be calcimined or whitewashed at least every three months. Painted walls must be repainted at least once a year.

4. All rooms where animals are killed or where meat is handled or displayed, or kept for any length of time, must be completely screened at all doors, windows, and other openings and properly protected from flies.

5. Where floors or other parts of a building or tables or any other parts of the equipment are so old or in such condition that they cannot readily be made sanitary, they should be removed and replaced by suitable materials.

6. All trucks, trays, and other receptacles, all chutes, platforms, racks, tables, etc., all knives, saws, cleavers, and all other tools, and all utensils and machinery used in moving, cutting, chopping, mixing, canning or other process shall be thoroughly cleaned.

7. The aprons, overalls, or other outer clothing of employees, who handle meat in contact with such clothing, shall be material that is readily cleaned and made sanitary, and shall be cleaned daily if used. All persons who handle meats or meat food products shall be required to keep their hands clean.

8. All offal and refuse must be removed from the slaughter house on the day of slaughtering and disposed of in a sanitary manner.

9. Slaughter houses shall be provided with a cooler or ice box for the proper cooling and chilling of meats, when the carcasses are to remain in the slaughter house for a greater length of time than twelve hours, into which the carcasses shall be placed directly after being slaughtered and kept until removed from the premises. Cooling and storage rooms for meat must be properly ventilated.

10. All pens and enclosures connected with any slaughter house must be kept in a sanitary condition, and no hogs or other animals shall be kept within 100 feet of any slaughter house.

11. No slaughtering shall be done in barns, sheds, shipping pens or other buildings not designed or suitable for slaughtering of animals and the handling, dressing and cooling of meats; nor shall any slaughtering be done outside of any building, except in rural districts and for private consumption.

12. Carts or vehicles in which the meats or meat products or fish are transported, peddled or delivered, shall be so constructed as to protect the meat from contamination by flies, dust or other extraneous matter, and must be washed daily and maintained in a sanitary and cleanly condition.

Bottling Plants

1. Every bottling plant in operation shall be housed in a building.

(a) In which the entire floor of the bottling department is impervious to water, and adequately drained.

(b) Having whole and sound walls and ceilings.

(c) Provided with window space sufficient to give needed natural light during the daylight hours, or well lighted artificially, according to accepted standards.

(d) Which is well ventilated at all times.

(e) In which there shall be no flush toilet opening directly into any part of the bottling department.

(f) In which the means for the disposal of fecal matter shall conform to the standards set by the State Board of Health.

(g) In which no business, other than the preparation and bottling of the final product of the plant, shall be conducted in the bottling department of the establishment.

2. No bottling plant, which practices the refilling of bottles may operate, except it be equipped with, and uses at all times in its operation, a mechanical soaker and bottle-washer. Said soaker and bottle-washer shall be maintained in a state of full efficiency during any and all operations of the bottling plant.

3. The water bottled, or the water used in the manufacture of carbonated beverages or carbonated malt beverages in bottling plants, or in final rinsing of bottles which are to be filled or refilled, shall be pure and potable at all times, according to U. S. Treasury Department Standards.

4. All prepared sirups, extracts or other liquid ingredients or concentrates used in the manufacture of carbonated beverages or carbonated malt beverages shall be thoroughly strained and shall be kept, until used, in the unopened container in which they are shipped, or in a covered porcelain or glass lined or glazed earthenware receptacle.

All strainers or cloths used in straining sirups, flavors, extracts or concentrates shall be thoroughly washed and boiled at least daily, or before use immediately following an interval of more than 24 hours interruption in use.

5. The room in which sirups, flavors, extracts, or other liquid beverages ingredients or concentrates are measured or prepared, shall be of substantial construction, shall have automatically closing entrance and exit, and shall be sufficiently screened with 16 mesh to the inch, or finer wire screen cloth.

6. All sirup, extract, concentrates or other liquid beverages containers and all piping for the conveyance of same, shall be thoroughly scalded or thoroughly cleaned and disinfected with a solution of known strength and efficiency, not less frequently than at intervals of six working days, or before each use immediately after a 24 hour interval of disuse or interruption of use. Such containers and piping shall be clean at all times.

7. All machinery with which sirups, extracts, concentrates or other ingredients of the final production of bottling plants come in contact, and the floors, tables, shelves, racks, etc., upon which the completed product is placed, shall be thoroughly cleaned at intervals of six working days, or before each use immediately after a 24 hour interval of disuse or interruption in use, when boiling water, steam or disinfectant of known strength and efficiency, and shall be clean at all times.

8. Bottle crowns, after being taken from the original container, shall be stored only in covered dust-proof receptacles until used. If crowns are left in the original package, until used, it shall be covered at all times so as to be dust-proof.

9. All bottles used as containers for the final products of bottling plants shall be thoroughly cleaned before being filled or refilled. In the cleaning of bottles to be filled, the temperature of the soaking solution shall not be less than 120 degrees Fahrenheit, and the alkalinity of such a solution shall be at all times equivalent to the free alkalinity of a three per cent sodium hydroxide solution.

10. All accumulation of broken bottles and other rubbish shall be kept in appropriate receptacles or containers, and shall be removed from the bottling plant daily.

11. All employees in the bottling plant must wear clean clothes. Arrangements facilitating the observance of personal hygiene by employees actually engaged in the preparation and bottling of beverages shall be maintained by the management of the bottling plant.

Submerged Bottles

The practice of submerging bottled foods and beverages in water in ice boxes, tubs and refrigerators is a more or less general one over this State with no thought given to the possible source of contamination of the food or drink with its danger to public health.

In many instances milk and other products put up in milk bottles with paper stoppers, as well as other bottled goods, have been found entirely submerged in water which had not been changed for hours and possibly days, into which hands of attendants and customers had been plunged many times, thus contaminating the water in such boxes to a degree comparable to that of a lavatory without the possible germicidal effect of soap. In many instances it has been proven that an actual exchange of liquid had taken place between the surrounding water and the liquid in paper-capped bottles. This is a dangerous practice from a health standpoint and is a violation of the Texas Food and Drug Law; Article 707, Section 6, in case of foods, wherein it is required that reasonable means shall be used by all persons offering food for sale to protect same from flies, dust, dirt and other foreign and/or injurious contamination. Failure to comply with this section of the law is punishable by a fine of not less than twenty-five dollars nor more than two hundred dollars.

Dispensers and all persons concerned are hereby warned that immediate steps should be taken to protect foods and beverages requiring refrigeration, by arranging bottles so that the stoppers of which will be kept well above the water line in ice boxes, tubs and refrigerators.

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